

City of Sherwood  
Special Committee Meeting Minutes  
07/18/13  
22560 SW Pine Street, Sherwood, Or 97140

**MEYER:** Good evening. The meeting will now come to order. Sylvia, would you like to take roll call?

**MURPHY:** Chair Meyer?

**MEYER:** Here.

**MURPHY:** Rachel Schoening?

**SCHOENING:** Here.

**MURPHY:** Beth Cooke?

**COOKE:** Here.

**MURPHY:** Doug Scott?

**SCOTT:** Here.

**MURPHY:** Nancy Bruton?

**BRUTON:** Here.

**MURPHY:** Larry O'Keefe?

**O'KEEFE:** Here.

**MURPHY:** Naomi Belov?

**BELOV:** Here.

**MURPHY:** Thank you.

**MEYER:** Unfortunately, we also don't have minutes available tonight So we're going to go ahead and postpone review and approval of the meeting minutes. And so at this time, we will open up for any public comment. Anyone? Great. Okay. And if anyone should arrive a little bit later, of course, we'll provide an opportunity if time allows for public comment. So the city attorney does not appear to be here tonight. So, Tom, I'm hoping that you might have an update on where their office is in terms of drafting some language for our review.

**PESSEMIER:** Well, they will be here. The attorney left at 4:30 and still hasn't arrived, so that should tell you something about traffic coming out of Portland tonight. So he will be here, and I do believe he has made an effort - actually, tonight, we we're actually talking about the 24-hour thing, so there will be information I think which Sylvia probably has handed out. Related to those, they are working on drafting information for the three areas that we talked about before including overnight camping, hazardous materials, and I can't remember what the third one was. But we're doing some research this last week, and of all places, we were talking to somebody in Washington, D.C. about pesticides because we were trying to get some ideas of how we could try to incentive things. And he was like, "Oh, you do know you're preempted in the State of Oregon from doing anything in regards to pesticides." So maybe you guys already figured that out as well, but so basically, it says, "No city, town, or other political subdivision shall adopt or force any rule or regulations regarding pesticides, sale, use, including but not limited to labeling, registration, notification of use," and the list goes on. So I think that's probably one that they probably won't be dealing with. So that's up and coming. They did also talk about - Heather has an attorney to look into the ERISA laws in regards to wages and others. He will not be able to get that done until Monday of next week, so that won't be ready. So probably - I know we were talking about potentially cancelling a meeting, and that might be a good thing to take a look at.

**MEYER:** Yeah. Okay. We can definitely talk about that. Maybe once the attorney arrives and is able to give us a better idea of their timing of actual language for us to review, we can revisit that before we adjourn this evening. So tonight, let's just move right into our new business, and that is a focus on or a discussion related to crafting an ordinance that would create a supportive environment for small retail business within Sherwood. One of

the themes of all of our meetings was, as I understand, is that we really wanted to narrow our focus on retail business within Sherwood, all retail business. And in addition to that, really preserving the character and the prosperity, well being of Sherwood local businesses. So with that in mind, I would like to open up the discussion on how we feel we can best craft an ordinance to do just that. Would anyone like to jump in? Okay. I will go ahead. So I think that there's a lot of issues that we've thrown out on to the table, and some of those things include hours of operation, folks opening early, closing late, local business sales, how those are affected at different times of the year, and the effects of large and small businesses working together, maintaining a healthy competition for a prosperous community as a whole. So perhaps we can just narrow some of our core issues and let's maybe just start talking about hours to start, and we can see where that evolves.

**COOKE:** So I think one of the big concerns I've heard over the last several months from residents is the idea of having a large retail center open longer hours, 24 hours, and the potential impacts that that would have on our police costs. And I remember at one of the city council meetings, one of the staff from the police department was here and indicated that that would potentially be an additional cost to existing residents. And again, it does really change the traffic flow. I think that there's a lot of different impacts that that would have on our community, so I think it's something we should absolutely look at closely. Because I think the Safeway right now is open until 1:00 and then they open up again at 6:00, and it doesn't seem like that would be too onerous on any type of business to have to be shut down between those hours in order to maintain the kind of current standards that we have.

**MEYER:** I would tend to agree. Chief Groth in a council meeting did indicate that the city does not have a large police force out in the middle of the night, and while it would be very difficult to gauge at this point, as new development comes in, what kind of an impact new development and new businesses will have on the city as a whole, there is the potential for additional police patrol, and currently, the budget doesn't appear to reflect that adding additional officers is coming at this point. So I think, Beth, you proposed - what hours did you say Safeway was offering?

**COOKE:** I think I believe they're currently open from 6:00 a.m. to 1:00 a.m., so they're closed from 1:00-6:00 a.m.

**MEYER:** Okay. How do folks feel about this.

**SCOTT:** I just wanted to ask you for a clarification, Beth. At the beginning you mentioned large retail centers, and at the end, you said any business and so I just want to clarify what your intent is.

**COOKE:** I misspoke then. I would say large. I would say at this point - I think there's a big difference on the impact that a small restaurant would have such as Shari's or 7-11 versus a large footprint retailer.

**MEYER:** So if I might interject, I want to clarify that we're not looking at food uses or stand-alone restaurants. Are we looking at stand-alone restaurants? Are we looking at pad sites? No. Does anyone have an interest in looking at that?

**O'KEEFE:** So you're saying that a restaurant, stand-alone restaurant, as opposed to a drive-through restaurant or drive-through restaurant window like McDonald's is open 24 hours.

**COOKE:** No. I don't think that those - again, those are uses we currently have in place. They're not the kind of impact that having a large retail space open 24 hours would have on our community. And again, an industrial use not likely to be generating a lot of in and out traffic during that time of day, not likely would be generating a lot of police calls potentially. Whereas a large retail space being open - I mean, Safeway is not open during those hours. Albertson's is not open during those hours. I think that we should maintain those standards.

**O'KEEFE:** Well, I feel that - originally when I got on this committee, I was kind of against the 24-hour thing, but I am reminded of Home Depot's retail

plan a few years ago, and actually, it's probably more than 10 years ago, to have their stores open 24 hours, and the customer base didn't support it after a while. I personally - I used to work at 5:00 in the morning, and so I would stop by Home Depot on my way to work, and I would get the greatest customer service from somebody all coffee'd out at 4:30 in the morning, and it was great, and I enjoyed that. But the customer base didn't support them being open 24 hours, and I think the customer base in Sherwood will either support that or not support it.

**COOKE:** So and I think my concern is more with the cost to existing residents of an additional police in order to maintain the availability of that retailer to be open safely for 24 hours because I don't currently believe it's in our budget to do so. So it's not a market issue for me, it's actually a public safety issue.

**O'KEEFE:** But we haven't actually determined that there is a safety issue. As I recall, either the first or second meeting, the police talked about how you always have - Target generates about a call a day in shoplifting, and the first few weeks, they generate five calls a day. Kohl's was a little less than that. In the middle of the night, I would tend to disagree if someone said there's going to be a large shoplifting thing. But I do understand it's probably not what you're thinking. I'm thinking people in the middle of the night driving around. It's just not safe. So I would agree with that. I don't necessarily agree that we're going to immediately need more police for there. I'm kind of torn. I'd be interested in hearing somebody else's opinion on the 24 hour of why we shouldn't have that or why you guys think we should.

**BRUTON:** I just wanted to add that this was something that was discussed during the council work session, and there was a great deal of consideration about 1) What does open constitute? And does that include freight delivery, unloading, having store members or sales staff in the store? And a lot of our businesses do operate during the night, and some of them for 24 hours doing those types of functions. And I'm doing some preliminary research right now, and I hope to have more next week that will kind of go into some of the details of that. But I would hope that we all take the time to explore the minutes from that work session because council did spend a lot of time discussing some of those specifics. The other piece of it was holiday hours and the fact that there are a lot of extended hours in retail for Black Friday, holiday shopping, last minute needs during holiday weeks like Thanksgiving and stuff like that, and so is there the option of applying for some sort of variance or something that would give them that ability? And I don't know if this is something that's been discussed because I'm trying to be an active listener and catch up with you guys.

**MEYER:** No. Thank you, and you know what, I think that that's a really, really good point. And that was actually brought up very, very briefly. We've held on to try to really focus on those issues tonight, but my thought on the extended hours for retail facilities is they're necessary for retail. But again with the public safety issue, I feel like if we are able to craft an ordinance for example - and I'm so sorry to have my back to folks, I feel like I should - if we were able to craft an ordinance that provided retailers that selected - maybe large retailers that needed to have those extended hours could in turn submit some kind of a safety plan to local authorities where they were managing their own parking lot areas and sidewalk areas, surrounding areas, that would certainly make me feel more comfortable knowing that our police force wasn't focused in one area.

**SCOTT:** Do you mean the safety plan to be in general or just for a conditional use or temporary use permit for holiday hours time?

**MEYER:** Well, I was really just, at this point, speaking to before hours or extended hours of operation because those are the times - I mean, I can think of a number of instances where I've had retailers come to me, and they've introduced a new product - the iPhone is a perfect example. The launch of an iPhone causes just so many folks attention, and there's issues of people camping and staying overnight and lining up and blocking streets. And

181 unfortunately, with my experiences, you get large groups of people that are  
182 eager to get this latest and greatest product, and they get cranky, and they  
183 get tired, and all of those things, and then all sorts of different kinds of  
184 behaviors ensue. And so my suggestion that we work maybe toward looking at  
185 those kinds of things as it relates to hours I think is important.

186 **SCOTT:** Okay. So just to be clear, you're suggesting that as part of seeking  
187 a variance that they would have to put that plan in place, not just in  
188 general for their normal operations.

189 **MEYER:** Correct.

190 **SCOTT:** Okay. Kind of going back to the topic in general. I'm kind of  
191 debating whether to get into the specific hours that were suggested earlier  
192 now or wait, and I think maybe it's better to wait on that point. But I  
193 definitely agree that outside of potentially a large retail center, I would  
194 not be in favor of hours on restaurants, gas stations, convenience stores,  
195 movie theaters, any of those places, because all of those places have good  
196 reasons for being open at different times. So I don't really see - and I  
197 don't think they cause any considerable - I think there's enough history to  
198 know that they don't really cause any considerable public safety concern  
199 outside of the norm. And I'm kind of with Larry on the large retail side.  
200 Part of me kind of thinks, "Okay, I can see some sense I this." You could  
201 have a couple hundred people there at 3:00 in the morning, that seems  
202 unlikely, but I can see the impact that maybe undesirable. But I'm kind of  
203 offset and counterbalanced by the fact that if there is a market for that,  
204 the people work different shifts and different schedules, and they like to  
205 shop at different times, how comfortable do I feel saying, "Sorry, you can't  
206 do that in this town." And I'm really struggling with that, and I'm  
207 continuing to struggle with that, and I guess that's kind of where I'm  
208 sitting right that.

209 **COOKE:** See and I guess I think I'm just as uncomfortable with the impact  
210 that would have on the neighboring residents to that development or to any  
211 other future development. If Safeway decided to start staying open 24 hours,  
212 what impact would that have on the residents nearby? If Albertson's did the  
213 same - what would that impact be on people living nearby? So I am just as  
214 concerned as - you know, you're concerned about the business, I'm concerned  
215 very much about the citizens on that and the impact that it would have on the  
216 residents of our city.

217 **MEYER:** And to piggyback that comment, I feel like at this point we don't  
218 have any retailers that are open 24 hours, and along the same lines that you  
219 mentioned, Beth, I think my concern would be the loitering, the congregating  
220 in the parking lots, the car games that could potentially be an issue. I'm  
221 thinking whether it's after football games or in the summer. I mean, there's  
222 any number of opportunities that younger and older people could come together  
223 in an ill fashion that could affect neighboring residents in terms of noise  
224 and all of those things that would, again, in that way distract our police  
225 force from other areas of the city.

226 **SCOTT:** And I think that - I think that Larry and I both have said - I won't  
227 speak for him, but I'll speak for me. I've said that that's where I'm kind of  
228 leery, and I do see that potential. I'd really like some data. I'm a data  
229 guy, and that's what I deal with everyday. I think we can all speculate what  
230 might happen, what possibly could happen, what will happen, but I'd like to  
231 see data from other towns or other places similar in size or a similar  
232 profile to us and understand, okay, they didn't have a 24-hour center and  
233 then one came in, what was the - and granted, every town is somewhat  
234 different, but at least that gives us some amount of data to base this kind  
235 of conversation on. I don't know where we'd get that or if somebody has that  
236 already, but I'd kind of like to see something like that.

237 **SCHOENING:** I just have maybe a different point. 1) I guess I feel like we're  
238 discussing a lot of what can potentially go wrong if a center is open for 24  
239 hours, but I'm a little bit - I'm very concerned about what can go wrong if  
240 we start limiting businesses being open for 24 hours. So if we could maybe

just spend a minute - for instance, the Walgreens in my neighborhood has a 24-hour pharmacy. Wal-Marts have very large pharmacy programs for people. I can potentially see the need for that. Secondly, we talked about stand-alone restaurants, and I realize we're discussing - it seems like we're just comparing apples and oranges. So we're talking about something that's about to come, but then we're only addressing what's already here, and we're not addressing the stand-alone restaurants that could potentially pop up all over the place if they wanted to. So for instance, we've only got one restaurant that's got a 24-hour drive-through at this point? McDonalds.

**MEYER:** A drive through that I'm aware of.

**SCHOENING:** Right. So that means that if - so we're only saying it's okay now because we have one, and it's okay now because we have one Shari's. But what happens when we have a Denny's and an Elmer's and a Taco Bell and a Burger King. So I feel like we're not - I feel almost like we're concentrating on one larger retailer again, and that can be a problem because we're losing sight of what could potentially be an issue which I think is part of what we're supposed to be talking about. So if in that same area we have a stand-alone restaurant that wants to be open 24 hours, at this point, we've said we don't care. So now we're saying that the impact on any community near that Taco Bell that's open 24 hours, for instance, we don't care about that. What we care about is a large retailer who is open 24 hours. I just want to make that - that's what I'm understanding.

**MEYER:** Yeah. That's what I feel like we've discussed is that some of those uses like the drive throughs don't necessarily - well, in this case, are completely exempted from this conversation because that's not something that we've felt, at this point, that I've heard from anyone, that anyone was concerned about those drive through-type facilities. Am I mistaken?

**SCHOENING:** So then what about the pharmacy issue? Because I do think that's real. I'm sorry, my 24-hour Walgreens is busy. My 24-hour Walgreens pharmacy is busy, and I can see that that might be a potential plus. I also think that we need to address working hours. What is open to the public, and what is working, and we skipped right over that. And it's important to understand that there are people who rely on - I'm sorry, but there are people working in Safeway overnight.

**MEYER:** Oh, yeah.

**SCHOENING:** So what's "open?"

**SCOTT:** And I think - I'll speak for myself. I think Nancy brought this up, and I'm glad you brought it back. I think, to me, anything we discuss is talking about hours open to the public.

**MEYER:** Correct.

**SCOTT:** What businesses do staffing wise when they're closed for stocking and everything else I don't believe is what's on the table here.

**MEYER:** And that's my understanding also.

**COOKE:** I would agree.

**O'KEEFE:** And I think you brought up a really good point about Walgreens because we already have a Walgreens in our city. I don't think, and I'm sure they probably have to do something with the city as far as a permit of something, but if they just decide, "You know what, we want to be open 24 hours or have our pharmacy drive through open 24 hours," I think that's a real possibility that they could do. And Rachel brings up a good point about not just looking at big retail centers but other businesses that are coming. So are we just talking about retail centers or are we - we're not including restaurants in there at all? Right?

**COOKE:** I would think that we'd be talking - again, I think of Walgreens as a convenience store rather than as a large - it's not a large footprint. I mean, the number of customers inside Walgreens at -

**SCHOENING:** They employ just as many people across the U.S. as another large retailer would.

299 COOKE: But we're talking about impacts on Sherwood and our residents and the  
 300 size of - and type of traffic late, late at night and the impact on police,  
 301 so not necessarily -  
 302 SCHOENING: So we would allow a 24-hour pharmacy at Walgreens but not a 24-  
 303 hour pharmacy at a large retailer? That's what I'm asking.  
 304 BELOV: I think it's important to even find out if there would be a pharmacy  
 305 as part of this...  
 306 MEYER: Actually, I would say that it doesn't matter because...  
 307 SCHOENING: What about any large retailer?  
 308 MEYER: Yeah, I would feel like an exemption for a drive-through pharmacy  
 309 would be fine for any retailer. I don't know that if there's the option of  
 310 closing doors to retailers for in and out foot traffic - that I would be fine  
 311 with. I don't see that for the 21 years that I have lived in Sherwood that  
 312 that has been an issue for the residents. And quite frankly, after reviewing  
 313 the letters that were signed by a lot of the residents that came into  
 314 council, nearly 10% of residents in Sherwood said, "We don't need anyone open  
 315 24 hours." So a part of what we're working toward here is making a  
 316 recommendation - actually, that is what we're working toward. We're making a  
 317 recommendation based on a reasonable effort to address the concerns of the  
 318 residents of Sherwood, and that is what they're telling us. They're telling  
 319 us "We don't need anyone open 24 hours."  
 320 SCHOENING: With all due respect, Meerta, they haven't voted yet. So I mean -  
 321 I'm sorry. I hear what you're saying, and I'm listening, and I get it, but  
 322 10% of the 1,800 is 180 people, and we are trying to draft something so that  
 323 we can understand what the citizens of Sherwood want by voting on it.  
 324 MEYER: That was my point, Rachel. I mean out of a population of 18,000,  
 325 about 1,800 letters came in to council saying, "Whoa, we don't need this."  
 326 SCHOENING: I didn't think all of those said 24 hours. I mean, I read them,  
 327 and I didn't think they all said 24 hours.  
 328 SCOTT: No. Not even close.  
 329 SCHOENING: I don't want to split hairs; It's not important. I just feel like  
 330 we keep talking about we're concerned with the future and other retailers  
 331 coming in, and this conversation is not only about one retailer, but this  
 332 conversation feels very much to me like only one retailer.  
 333 BELOV: This conversation's about crime. Right? And there are a lot of  
 334 statistics about the violent crime rate within a mile radius of a Wal-Mart.  
 335 So I think that whether or not we want to look at that and have it part of  
 336 the conversation - that's what we're talking about.  
 337 MEYER: Well, I hear that that is a concern for you for sure, but I don't  
 338 think this is just about Wal-Mart. I think that we have a lot of vacant and  
 339 available land that could attract a number of retailers. And with Albertson's  
 340 even for sale at the moment, any kind of a replacement tenent could be  
 341 potentially affected. And so I feel like these are the issues that we're  
 342 working toward. Do we want and do we feel like Sherwood necessitates 24-hour  
 343 retail, and I'm not sure that I think that it does. I'm not sure that we need  
 344 to have a 24-hour retailer, and I don't feel like limiting hours of operation  
 345 in terms of being open to the public is a bad thing. And we can certainly  
 346 banter about that. That's why we're here.  
 347 SCOTT: And I've read through the comments from the citizens, and I think  
 348 it's important to remember - I think they're valuable input, and that's why I  
 349 read them, but I think it's also important to remember that they were  
 350 gathered from a group of people who had a very specific concern, the Wal-  
 351 Mart. And there's no other gathering of information from people with  
 352 different concerns. And so I think while it's important to understand and  
 353 take into account those comments, they're not necessarily representative of  
 354 the whole. And back to the point of we're putting something forward that  
 355 would be put on the ballot. So it's going to be voted on, and ultimately, the  
 356 whole will decide. So but I think we do owe it to the city to craft - if  
 357 we're going to recommend an ordinance in this area to craft the best one we  
 358 can.

359 **MEYER:** I would agree.

360 **BRUTON:** I would just like to add because there was a comment made about the

361 usage and who is using these services and at what hours are they using them.

362 And there was a comment that was made specific to the citizens of Sherwood,

363 but there are stakeholders of these consumers goods that are not citizens of

364 Sherwood. There are 18,205 people in Sherwood, but there are 40,000 people,

365 and I would have to double check that statistic, that travel down 99W every

366 day, and how many of them need a place to stop, a place to grab something to

367 eat, perhaps needing to get diapers in the middle of the night because they

368 live out in the hills and unincorporated Washington County and aren't

369 Sherwood voters. And my own background, there's a lot of business owners that

370 come in early to work or leave late at night. And I'll use the example a lot

371 of the medical and healthcare practices are going to be running 24 hours, and

372 they're going to have needs for grabbing things too. And so I just hope we

373 consider all of stakeholders that are using these businesses, not just limit

374 it to those that get to have a say in the law creation.

375 **MEYER:** I think that's reasonable. I think that that's a legitimate concern

376 without any question. I think though that, again, the goal of an ordinance is

377 to set a tone, of course, for how the citizens, or how we feel as a

378 community, we'd like to see this community. And preserving Sherwood,

379 preserving its character, preserving civic uses and opportunities, those are

380 all things that have come before us, and folks have said, "These are the

381 things that are important to us." And I understand that that could absolutely

382 limit and affect others, and as they are coming in and out of Sherwood, but...

383 **BELOV:** Can I add something to that?

384 **MEYER:** Okay.

385 **BELOV:** Sorry to interrupt you.

386 **MEYERS:** That's okay.

387 **BELOV:** We're the ones that are paying for our police coverage. If there are

388 40,000 customers coming from elsewhere, it's at our expense. If it's lowering

389 our quality of life, and if there is any potential crime that's being brought

390 in by having it open 24 hours, we're paying for it.

391 **MEYER:** That's very valid.

392 **SCOTT:** True. Although if we build up a more vibrant business base here in

393 town, their taxes are paying for that as well. And actually, business tax

394 payers pay a better proportion of the overall tax base than residential,

395 especially when you talk about the services that they use.

396 **BELOV:** You need to keep in mind that the phase 7 is in urban renewal. None

397 of the income that is generated there is going to go to our police

398 unfortunately.

399 **SCOTT:** Originally. I think revenue sharing is schedule to start next year on

400 the (indecipherable) district.

401 **BELOV:** Yeah, but what we're sharing is shared within all the districts, and

402 it's a very tiny proportion. It's not like normal commercial usage.

403 **SCOTT:** Right. But you're also talking about it's not taking money away from

404 an existing tax - whatever that land was being taxed or being assessed at

405 before it was added to the urban renewal district is still - that amount of

406 it still goes to the police and the fire and whatever other Metro and the

407 other.

408 **BELOV:** What was in firm deferral? Do you mean light industrial or which one?

409 **SCOTT:** It doesn't matter. Whatever the assessed value was before it was added

410 to urban renewal will continue to go to those taxing districts for the...

411 **BELOV:** Hey, Tom, do you mind answering this? Do you understand this?

412 **PESSEMIER:** Yeah. I do understand the question, and it's a very good question,

413 a very complicated one actually. Naomi, you're both right actually. So the

414 assessed value was frozen in 2000 on properties, and it was frozen at farm

415 deferral at a very low rate because of the nature of what was going on, the

416 activities. When the (indecipherable) came in and changed essentially the

417 use, they had to pay I think it was five years of back taxes at a commercial

418 rate. So we actually ended up getting a fair amount of monies this year for

that change in use. My understanding is moving forward, they'll use the commercial rate to start with, and then it will be the additional on top of that for the urban renewal. It's kind of weird, and we asked the county about this a couple times because we were a little bit confused about it because it kind of didn't make sense. While we thought it was capped down here, and the answer we kind of got was, "Well, because of the way this works, it will actually be capped at what it is based at this year and then any additional on top of that will be urban renewal. So we are getting some monies, more than we were before, under the farm deferral, but we won't get any additional monies in the future above that point.

**SCOTT:** Until the urban renewal expires which I think is scheduled to be 2022. So eight years. And then all that additional gain will go into those tax districts.

**BELOV:** That's a long time though.

**COOKE:** One concern I have - we're kind of steering towards talking about one property. Again, this will be something that will be impacting retailers citywide, not just in one particular area. Again, if you look at - there are housing developments around Safeway and Albertson's as well. The impact to those residents if one of those retailers decided to stay open 24 hours would be just as concerning to me or the potential cost of police.

**PESSEMIER:** So I've listened to you guys for a little bit, and I had a chance to kind of browse through this as you were talking, and I know that this came in late, so you probably didn't have a long chance to look at it. There were a couple things that I noticed. First off, Gladstone tried to do this through the land use process. We talked about that also at the work session about whether or not this could be like a conditional use permit or something. Conditional use permits go with land and may not even stay if an operator comes in and out, and it's complicated to do plus it's in chapter 16. So that might not be the best way to go about it. Most of the others actually tried to regulate this either by prohibition with exemptions or by either putting permit or a license in place to kind of regulate these activities. And those seem to be the ones that we're more focus on - the police and having some sort of license that the police could control certain aspects of things that they would have to do - additional things - and at some point in time, if they didn't comply would lose their license to open up 24 hours. So from what I saw in here, those are kind of - in listening to your conversation, maybe those are the two things you could kind of decide which route you want to take. Do you want to try to do a prohibition and create exemptions or maybe you want to create a licensing or permitting process by which they would have to meet certain requirements and then it can be controlled by the police or city manager or whoever that went. So just some suggestions.

**SCHOENING:** So this was exactly where I was going with it was that we have an application for an extended hours of operation or at least move to that process because I feel like, again, making sweeping decisions because of one thing that's happening can seriously affect new business coming into Sherwood, and I don't think we want that. And it could be either way. If business comes in that doesn't consider itself large retail but they want to open 24 hours - I'm sorry, but there's a place called Stars in Beaverton, which doesn't bother me in the least for the record, but they're a restaurant, and they're open 24 hours on occasion, and that's totally in code, and it's right next store to the police station. So my point is if we put something into place that will do all of these things - they will address the large retailer that's open, it will address new businesses coming in and the environment and the neighborhoods that they're in. It seems like if we're allowed to go that route of asking for an application for an extended hours of operation, it seems like that's the best place to put it because I saw also in some of those municipalities, it was opened up for public consideration again. It would go in front of council - there were many different ways it could go, but any time a business comes in, it would apply for those extended hours of operation. Now I think it's a good idea to set



what we think extended hours are. Obviously, closing at 1:00 a.m. to 6:00 a.m., it makes sense for a lot of reasons. I mean, bars close at 2:30. There's a lot of reasons why you want to get people out of the path of that 3:00-4:00 a.m. area where police need to be on the highways and paying attention to what's going on. But anyway, I would ask that we consider an extended hours of operation application for new businesses coming in, and I don't know how we address existing businesses. But I can see a time when all of 99W is lined with 24-hour drive-through restaurants, and I don't know that I'd necessarily want to live in that town.

**O'KEEFE:** I would support what you - and what I think you're saying is that you would like to see a review process by city council for each business coming in that wants to go 24 hours and then that way we could open it up to comment...

**SCHOENING:** I don't know if it's city council. It was different in a lot of the cities, and some of the cities that I looked at, it was a different body that regulated it. And some of it was planning and zoning, some just said the city manager. But it basically was - in one I saw which I thought was a great idea was when you applied for your business license. You could be open for standard operating hours of the city which were set, and then if you wanted to be open past those hours, you needed to apply, and you went through an application process. And how the cities determined that went was different in each case.

**O'KEEFE:** I would be a lot more inclined to support something of that nature than like a blanket ordinance. Because that way, new businesses coming into town, they can apply for an extended hours permit. It's got to go through a public comment part so if people feel strongly about it one way or another, they can show up to a meeting.

**SCOTT:** Do any of these examples, Rachel, have evaluation criteria specified? That's the next sticky wicket when you (indecipherable).

**SCHOENING:** There were some that just - like I said, they were just straight up in the city, code said a retailer, for instance, of this size, could not ever be open for 24 hours. I did see unless there was a 24-hour drive-through pharmacy. I saw a couple of different examples, and not all of them had to do with large retailers. Some of them had to do with other businesses which they thought were undesirable for their city. In some places, bars can be open for 24 hours. So it was things like that. But most definitely, there was a rule, a hard and fast rule, and a lot of it had to do with retail only and didn't - commercial and industrial were left 100% out of the mix in most of them I would say.

**MEYER:** Could I ask that the committee take a look at the packet that was provided to us tonight and turn to - let's see, the ordinance, it looks like, MC-4629 in the city of Camden. As I review this, and I'll read this for the record, it says, "Received input from residents and neighborhoods, police department, code enforcement," etc., etc. One of the goals of the ordinance that they put into practice was in part to reduce crowds of individuals in close proximity to residential areas. And again, in the spirit of reducing nuisances to neighbors and residents, I feel like this discussion is - there's so many different valid points here. Limiting hours of operation can be troublesome in many regards, but not limiting hours can also be troublesome. So there's pros and cons on both sides. And so what our charge is is to decide or to make a recommendation based on what we feel like makes the most sense for our city. What I do like about this ordinance that it looks Camden has passed or has ordained for their city is it addresses the loitering. It addresses littering. It addresses disturbance and noise and reducing debris even in retail establishments. And I think these are all of the kinds of things that directly impact our residential neighborhoods and preserve our community. And again, in the spirit of preserving our character and preserving our communities, these are the things, it would seem to me, that matter to residents. Anyone have any thoughts on that?

**BELOV:** I would definitely rather see our police officers working to enforce something like this than to not have any ordinance in place to have them enforcing not only this type of thing but inside like shoplifting because regardless with a retailer of that size, there will be work for them to do. I feel like if it was open, they'll be dealing with shoplifting, like they were at Kohl's and elsewhere.

**JACOBS:** Chair Meyer and committee, Chad Jacobs from the city attorney's office. First, I apologize for being late today. A 20-minute drive took me an hour and a half.

**MEYER:** We're happy to see you back, Chad.

**JACOBS:** I just want to interject and exactly what you were just talking about is very important. You want to talk about what are the concerns that you're trying to address. The City of Camden ordinance that we provided for you was upheld. It was legally challenged and was upheld by the trial court, but it's now up on the court of appeals in New Jersey. So it's very likely that the court of appeals may throw it out and say it's unconstitutional. And the reason that they have all that language that you're talking about was to justify the rational basis for having the ordinance in place. So it's going to be very important for this body and the city council and then in the ballot materials that are presented to the voters to outline these very reasons why this is necessary for the city to put in place. So it's important that you do have this discussion about what it is, what are the concerns that you're attempting to address, and then tailor whatever restrictions you put in place to address those concerns which is why you see various ordinances that we've provided - some have within a certain number of feet of residences because what they were really trying to address was the impact of light and noise on the ability for people to live in a peaceful setting within their residences. You've got other ones that are much more detailed like the City of Camden ordinance that goes into a lot more detail about the various concerns. So part of what you want to do as part of this process is have a discussion amongst yourselves, get information from the community or the police if you can to sort of build that record for if and when any such ordinance is challenged if it's approved by the voters, that you would have a record to defend it.

**MEYER:** Thank you very much, Chad. Any other comments? Larry?

**O'KEEFE:** I see in the exemptions, they have the sale of gasoline, diesel, propane, filling stations, and prescription/nonprescription medications at drug stores and pharmacies is exempt from that. And then the 200 feet from the lot line to residential zone was I think the amount of distance that Chad was talking about. I think I'd be okay with considering something like that. I mean this is very detailed, and I think if the police saw that there was a problem, this kind of gives them a probable cause to...

**MEYER:** Step in.

**O'KEEFE:** To step in rather than be reactionary. This way they can be more proactive instead of reactive, and I like that idea. The only thing I would add, and it's a little off subject, but there is some data, and I kind of take everything I read in the paper with a grain of salt, but the recent Oregonian article about the Cornelius Wal-Mart that came in and a lot of the concerns the residents had were the same concerns that we're bringing up. And now that that store has been there a little bit, they have found out that it didn't quite create the amount of crime and devaluation of housing that they thought it was. And I think it's a lot more comparable size city to Sherwood than say Portland when we're talking about that sick-leave act and stuff. But it's just something to keep in mind. There were some numbers and data there that was quoted that I don't tend to disbelieve, but I'd probably want to verify.

**MEYER:** That's fair. But you know, again, this is - the discussion that we're having, I want to be very clear, is not based on one retailer in Sherwood. And there are, as I mentioned earlier, other development opportunities available within the city. And so our growth and how we as a city would like

to see that growth happen is affected by any ordinance that's put in place - any code changes, that planning, and city council chooses to enact for the well being of Sherwood. So, again, I think in the spirit of focusing on retail within this community and the overall impact it could potentially have is where I'd feel like I'd like to really hone in this discussion. Because you're right. We can talk all day long about the possibilities one way or the other. Some may be very productive, others may not, but I do think we need to look locally and address what we want to see and what we don't want to see within the city. That is why we're here. That is why we are looking at crafting an ordinance to preserve this community. That's what we'd like to do. That is what I would like to do.

**SCOTT:** So I think going back to the question that Tom raised about should we try to pursue an ordinance toward prohibition or should we try to pursue an ordinance toward an application process, and Rachel talked about this quite a bit. And similar to what Larry said, my gut is I'd feel more comfortable with the second because I think it allows the city to be more flexible going forward. But the flip side of that is you're then open to, is it being applied fairly? Right? And what are the criteria for evaluating a request? Right? And do we specify in this ordinance what that criteria is or what that matrix looks like or do we trust the administrative rules process to handle that? And even then, and I think this goes back to what Chad said about being challenged in court if somebody gets approved else doesn't, then are we opening up a situation where we could end up in court because somebody feels like they were treated unfairly through that process. I mean, I think those things can be overcome, but I think it's the flipside of that argument.

**PESSEMIER:** So Chad, do you have any thoughts on - first off, from my perspective, a prohibition ordinance is easier to write because you don't have to come up with the criteria and everything. On the other hand, you mentioned that - which Camden, which I think is a prohibition, is being challenged. Do you think it would be easier from a legal sense to defend something that is more of a license/permit type of thing than a straight out prohibition, or do you think there's any difference?

**JACOBS:** It think they both have their risks. The flat out prohibition, again, I think needs to be tailored in a way if you're going to do it that really addresses the concerns that you have. You know, so if it is light and noise that's interfering with the use of residential properties, then you want to have that sort of length or distance from residential properties included in there. So we're going to want to tailor it to address the specific concerns that you have and build a record to be able to defend it. Now I can't guarantee the court's going to find that it's constitutional. There's one case in Oregon from I think 1913 where there was a prohibition put in place, and the court upheld it. So that's our basis here in Oregon. And there's cases all over the country that go back and forth. And part of it's just going to depend partially on how nice of a record we can build to use if in fact it's challenged. It's my understanding that you don't have a lot of 24-hour businesses in Sherwood right now, so you probably won't run into the same level of opposition that they had in Camden. In Camden I think there's a coalition of six or seven 7-11 stores that are open 24 hours that are all suing to challenge. So they have multiple businesses that are already open 24 hours. So that's something in your favor, but you never know who could bring a lawsuit. The flip side, and exactly what Doug was saying, is that if you do a permitting process, we would have to work with Staff, and Staff is I think used to doing this throughout all their permitting processes that you have to treat everyone equally. So you have to establish clear standards, and once you establish those standards, if someone can meet those standards, they get the permit. You don't get to pick and choose whether or not you like that business because of their reputation or not whether or not they get to be open 24 hours. It's whatever standards we have in place. If they can meet those standards, they get the permit. And so that's the policy call that you all need to try to decide to make. What makes the most sense

for Sherwood, and then it's our job to help you draft an ordinance that we think is the most legally defensible. And in these kinds of situations, we can't guarantee that it will be legally defensible, but we will do our best in working for you to uphold the law and defend the law.

**O'KEEFE:** I will say that Camden's definitions and their procedures, their concerns that they outlined: Loitering, littering, noise - boy, I like that. That covers a lot of ground, and it's very specific. I'm not seeing a whole lot of stuff that I would x out here.

**MEYER:** I would agree. You know, the other thing that I don't see, and I'm surprised that I don't see within this ordinance, because it does appear to be a prohibition ordinance, is something related to a chronic nuisance, a chronic nuisance property that - is it addressed? Did I miss that.

**SCHOENING:** In one of them, it talks about more than one infraction. It maybe the Camden - it talks about getting in trouble more than once and getting it revoked, but I think that's more talking about having an extended permit. I have to say, I own a business that closes much earlier than the business that's right next door to it. This is a real situation for us. I mean, it's real. It's also not huge. It's not more than me talking to my neighbor. The point I have to make about that is we're two small businesses. I know my neighbor. I know the car he drives. I know his name; I know his wife's name. You know, my business neighbor. So that being said, I get what you're talking about. Again, my concern is always making sure that we bring businesses into Sherwood and then they feel like a welcome place to do business. It totally makes sense to me to say something like "away from residential." If what we're really talking about is what we're really talking about, then I think that's the ordinance we need to draft. If what we want to do is keep people from loitering in front of businesses - I don't actually know what happens when people stand in front of a business, I don't think really anything that bad - but if we're talking about a large retailer and a big, big space where tons of people can congregate, yeah, I agree. That is a bigger issue that what someone can do in the market in Old Town. So I do think in this instance maybe there are different rules, but that concerns me again because I don't think we should be splitting hairs like that. I don't think we should be making exceptions because a 7-11 is also not a large footprint, and they're open 24 hours, and that's their business model. And why wouldn't we want a 7-11 in Sherwood? These are the conversations I think we should be having while we're drafting this ordinance. Do we talk about square footage? Because I feel like for once in this entire process, I feel like maybe we should be because that's what I keep hearing is "large." So is a small footprint business that's open for 24 hours, is that really what we're concerned about? Or are we concerned about a place where really a lot of people can congregate and get up to no good, and we're talking about one police officer not being enough to have a conversation? What are we concerned about?

**MEYER:** I think you brought up a lot of points that we can comment on, Rachel. So thank you for that. I couldn't even keep up with my notes. So I think 1) I think a discussion about a threshold whether that's square footage or number of employees I think is a reasonable point to discuss. I think that hours open to the public, again, is another concern that we could discuss. Help me remember some of the other things you just said.

**SCHOENING:** I really want to discuss whether it's retail only or not.

**MEYER:** Yeah. And I'd like to readdress...

**SCHOENING:** I just want to solidify. Is it going to be retail only? Then it needs to be retail only.

**MEYER:** Yes. I think that we have all, and please correct me if I'm wrong, but all of this discussion is focused on retail.

**SCOTT:** And we have to be clear then what retail means because there's a lot of differences in how you can define that.

**MEYER:** Okay.

**O'KEEFE:** Just to clarify, we're all in agreement that even though a store is closed to the public, it's not a problem for us to have workers in there from

midnight to 4:00 because frankly, that generates employment in our city. It's going to have people there that are supposed to be there.

**MEYER:** Absolutely. I would agree with that.

**O'KEEFE:** I just want to make sure we're all in agreement with that and that that's not an issue.

**MEYER:** I think specifically with regard to large retailers for the City of Sherwood, I think that makes a lot of sense, particularly with the traffic issues that we've brought up that in this forum we unfortunately can't address. But having freight coming in after hours does make sense, and having folks working on inventory and all those kinds of things after hours does seem reasonable to me. I don't know how everyone else feels about that, but that feels reasonable to me.

**BELOV:** We may want to include something about having the workers be quiet because one of the petitions was from somebody who lives behind Target, and he said every morning, he gets woken up really early because the trucks come in and they make a lot of noise, slamming the doors - so I don't know, maybe it's noise in general from a retailer.

**MEYER:** Tom, can I deflect to you for a moment? Do you know what our noise regulations are within Sherwood?

**PESSEMIER:** Kind of. Our noise ordinance probably needs to be updated, but it does address some of those issues - I think prior to 7:00 am and so certainly if there was a complaint, the police would have tools in order to deal with that.

**MEYER:** That's what I thought. So given that we have that ordinance, do you feel comfortable with that.

**BELOV:** I'm not sure. He's said he's complained multiple times, and nothing's been done about it. So I don't know.

**SCOTT:** So I guess the question is is this the case where we need a new ordinance or to update the existing ordinance? Or is it a case where maybe the application...

**MEYER:** Or just a call into the police department.

**BELOV:** I think we just need to set a standard for the employer and also all of the customers who are visiting.

**PESSEMIER:** And I think one thing you've identified is noise is one of those activities that you guys want to talk about. So certainly dealing with hours of operation would make the justification that Chad is talking about make sense.

**MEYER:** Yeah. So Rachel, I'm going to defer back to you on your threshold comment. I feel like I would agree with you. A business like yours is not one that I would feel concerned about in terms of large groups congregating in the middle of the night, that sort of thing. Whereas a large retail parking area would be a concern to me. I mean I've managed both the small mom and pop shops, I've managed very large retail facilities, and there is a big difference between the kinds of activities and hours even that occur for a number of reasons. What seems reasonable to you? What feels reasonable? Do you have a - I know this is a tough.

**SCHOENING:** I have no idea. Honestly, I have no idea. Because I hear what you're saying. At the same time, people complain all the time about the hoodlums in front of Fat Milo's because of Rainbow Market. And they are teens, and they are children who live here, and they're not homeless. So I don't have any idea. I guess I'm not the right person to give input on this. I do believe that there is better and a different dialogue that happens between smaller-in-size businesses regarding this issue. On the other hand, you're talking about a large shopping development. How do you - if Fat Milo's is in there in a new development, who gets in trouble for the people who are congregating in the parking lot? So the whole getting-in-trouble part, I think, is what we're trying to avoid. Am I right?

**SCOTT:** I think the answer is the people themselves who are loitering are the ones who get in trouble. The business isn't held responsible for that. I think that's what we're re...

778 **SCHOENING:** I just want to make sure that he business isn't responsible for  
779 calling and reporting or making sure this nuisance doesn't happen (a), and  
780 because I don't want the calls, and I don't think the large business wants  
781 the calls either. So who's responsible for policing their parking lot?  
782 **MEYER:** They are. A property owner is responsible.  
783 **SCHOENING:** Right. I mean we just had this conversation with the 24-  
784 hour/overnight thing. So that's, again, my point. But, again, the question  
785 you asked me was size, and I don't have any idea. I don't have any idea.  
786 There are small businesses in there with Safeway and Albertson's.  
787 **MEYER:** Okay. Does anyone else have any thoughts on whether or not a  
788 threshold in this...  
789 **BELOV:** I think a property owner needs to be responsible. They need to know  
790 that they can manage their property, their parking lot, and if they can't,  
791 then that's an issue. And if the responsibility is falling on the city's  
792 shoulder's, then that's an expense to us. Right?  
793 **COOKE:** So in the Camden ordinance, they had the definitions of retail sales.  
794 They also had their exemptions for items such a pharmacies, gas - I think 7-  
795 11 - is that a gas station? Correct? Yeah. So they would be exempted. And I  
796 think that would be a good place for us to start having the conversation  
797 regarding - because I, again, the retail - I'm not as concerned about the  
798 retail size, square footage from this particular aspect - now, how late is  
799 Rainbow Market open? Because they're a convenience store. We could write in  
800 there...  
801 **O'KEEFE:** 8:00 - 8:00 or something?  
802 **SCHOENING:** I think the issue is, more the point, is that they're open later  
803 than I am, considerably later than I am. So to Naomi's point, if there are  
804 kids in front of Fat Milo's, and I'm not open, and he is open, who's  
805 responsibility is that? Are you calling me to come back to work to deal with  
806 the hoodlums?  
807 **SCOTT:** They're on public property at that point. They're on the sidewalk.  
808 **COOKE:** Yeah. I think that individual having criminal activity going on, the  
809 individuals would still be liable even if the retail establishment is open,  
810 you would hope that they would be...  
811 **MEYER:** Yeah. I'm going to throw something out. We have a few more people  
812 that have joined us this evening. And, Tom, I have a question: When we last  
813 met, you had mentioned that you have another meeting to go it. Is that still  
814 the case?  
815 **PESSEMIER:** It is. That meeting starts at 7:00. It's actually going to be in  
816 this room back here, but I don't plan on going back and forth.  
817 **MEYER:** Will you be rejoining us?  
818 **PESSEMIER:** Maybe. Depends on how long that meeting goes, but that's probably  
819 going to be an hour and a half meeting though, so I'm hopeful that you guys  
820 are gone by the time that I might come back.  
821 **MEYER:** No offense taken, Tom.  
822 **SCOTT:** So I would suggest maybe we continue until 7:00, and then we take a  
823 break and then take public comment after.  
824 **MEYER:** That's exactly where I was going. Is everyone else okay with that?  
825 Okay.  
826 **PESSEMIER:** Yeah, and before we do that, I do have a couple of items if you  
827 are willing to consider those. I would like to talk about the schedule and  
828 some concerns that we've kind of come up with as far as trying to make sure  
829 that we get things done and then quickly just talk about resources that came  
830 up at the last council meeting, and I think you guys might want to just kind  
831 of hear that. So if you are okay with that, please reserve me five minutes,  
832 and that would be fine.  
833 **MEYER:** Yeah. Well, actually, do you want to just do that now while you're  
834 here? Chad, can you give us any idea of where your office is at this point in  
835 terms of first-draft language for us?  
836 **JACOBS:** My understanding is there's three ordinances that you guys are  
837 waiting for us to draft. The first is the overnight camping ordinance, the

second is the dilapidated vehicles, and the third is what I call the hazmat ordinance. And we are in the process of drafting those. A matter of fact, I'm drafting the overnight camping and dilapidated vehicles. And I think the plan is at least those two and probably the hazmat one as well, to have all of those to you by Monday.

**MEYER:** Okay.

**JACOBS:** So you guys can have those in hand Monday. And then with the ERISA stuff - I don't know if this was discussed before I got here- with some of the ERISA stuff and the employment stuff. Coordinating with some of the outside people that we've been working with including talking to BOLI and seeing their abilities is going slower than we hoped, so that is probably something that's going to have to be put off until next Thursday, and we expect that we would want to have an executive session with you all next Thursday to give you some advice about some of those issues. So I think the plan, if this works for you all, is that we would be able to get through city staff copies of the ordinances for you guys to be able to have in your possession on Monday and then you could have a discussion about those on Thursday as well as the executive session with Heather on Thursday as well.

**O'KEEFE:** Chad, I'm sorry - but, Tom, didn't you say that the hazmat thing was off the table?

**MEYER:** That was pesticides.

**O'KEEFE:** So with that in mind, I would like to suggest that we maybe cancel our meeting for Monday so that individually, we have an opportunity to review the draft language, save some of our staff resources and time, and on Thursday, after we've all had an opportunity to read through the draft language, we can really, really get into a discussion on if we're comfortable with the language, if we'd like to see any modifications, we can take public comment. Will the draft ordinances be available to the public?

**PESSEMIER:** They'll probably become - we're you going to put those in a packet? It depends on when they come in. If they come in and it's for our Thursday meeting, we can certainly put together a packet that would include them that would be available to the public. If it's for Monday night, there just won't be the time to put the packet together.

**MEYER:** Right.

**PESSEMIER:** So before you make that decision, can I kind of give you some information? Sylvia asked me a really good question yesterday, and I didn't have a good answer for her which is not usually good thing because she usually asks really good questions. And so I've been thinking about it over the last day or so. And her question was, council is meeting on August 6<sup>th</sup>, which is really when they're going to be considering this stuff with the hope of adopting these on August 20<sup>th</sup>. Their calendar is August 6<sup>th</sup>, August 20<sup>th</sup>, and then they do have a meeting September 3<sup>rd</sup>, but that's the day after Labor Day, and it's likely that that's probably not going to happen. Or Memorial Day, excuse me. So if on August 6<sup>th</sup>, they would have to have a public hearing in order to have the public be able to respond and testify in regards to the ordinances and the language contained therein so that they could make sure that they've heard from the public, the public had an opportunity to respond to them, and to give them feedback. But in order to have a public hearing, that means that the material would have to be prepared and to Sylvia by no later than August 2<sup>nd</sup>. That's actually way past her deadline, that's a week past her deadline that we normally would be getting her material which would include all of the ordinance text and then probably some sort of report. Typically, we do a staff report which is usually one to two pages kind of outlining the rationale behind it and exactly what's going on, the financial impacts, and certain things that go along with that. So that means if that has to be prepared by August 2<sup>nd</sup> in order to have the public hearing on August 6<sup>th</sup> and have the public have the opportunity to be able to review the material, then we're rapidly running out of time. What we have right now is a meeting scheduled for August 1<sup>st</sup>, Thursday, and clearly, there wouldn't be any time to do anything other than wrapping, dotting I's,

898 crossing T's, making sure the staff reports are done, and then there's only  
899 three other meetings before that. So Monday, July 29<sup>th</sup>; Thursday, July 25<sup>th</sup>;  
900 and Monday, July 22<sup>nd</sup> which is the meeting you're talking about cancelling. So  
901 I'm getting really nervous about where we're at and for you guys to be able  
902 to really have a chance to put together text in ordinance form that you feel  
903 really comfortable about. Chad says he's going to get you this information  
904 on Monday but then you wouldn't have a meeting until Thursday to review it.  
905 So that would be really your only chance, probably, other than cleaning some  
906 stuff up on August 1<sup>st</sup> in order to make sure that language in that is the way  
907 you want it which could work. And also then, you would be considering the  
908 ERISA stuff as well, and you really wouldn't have any language at that point  
909 to consider because you're still trying to figure out what pieces you're  
910 going to do.

911 **MEYER:** So, yeah. We are running out of time. It doesn't in my opinion, make  
912 sense for us to meet the day that we receive materials from Chad's office.  
913 With that said, I feel like relying only on one meeting that week also  
914 doesn't make sense. So perhaps we need to look at our calendars and figure  
915 out what other options that we have to meet that week. Let me know if you  
916 disagree. If we get the materials in on Monday...

917 **SCOTT:** Well, I certainly agree it wouldn't make sense to meet about those  
918 particular draft ordinances that we'd be receiving nor would be obviously be  
919 able to meet about some of the employment stuff we've talked about. We could  
920 continue this conversation if it doesn't finish tonight. Other than that, I  
921 don't...

922 **COOKE:** Do we think we need to - I feel we're fairly close on this  
923 conversation. I mean, I hate to see us extend it any further.

924 **O'KEEFE:** I totally agree with you. I think we are really, really close on  
925 this ordinance for tonight. Is there anybody that has any big issues with  
926 this?

927 **SCOTT:** Well, I don't think we've decided really anything. I mean, we've  
928 talked about a lot of things, but I don't think we're close to agreement on  
929 any one...

930 **O'KEEFE:** I think we were close to modeling something after Camden with maybe  
931 a stipulation on size.

932 **SCOTT:** I don't even think we've decided whether we want to go down the route  
933 of prohibition or permitting. That seems to me that we're still a ways away.  
934 I want to get to it, but I think holding open the option of Monday to  
935 continue for now is a good idea, and at the end of the night if we don't need  
936 it, great.

937 **BELOV:** Weren't we going to discuss, too, a dependable schedule? Is that part  
938 of what you're looking into, Chad?

939 **MEYER:** I think that was going to be included with the ERISA attorney.

940 **PESSEMIER:** Right. I think the only thing that they got clear direction on in  
941 regards to that was the sickleave, and I think that's probably what they're  
942 working on. As far as schedule goes, if you weren't to do it Monday, July  
943 22<sup>nd</sup>, I think probably your only option would be to do a Wednesday meeting and  
944 then Wednesday/Thursday which is going to be back to back, but that is  
945 something for you to consider. Also talking about resources, I did do kind of  
946 an estimate based on the amount of time that the attorneys are putting in and  
947 Sylvia and I are putting in and IT is putting in to record these and to set  
948 up the room and everything else, and it showed that if we have all nine  
949 meetings, we'll probably be spending somewhere in the \$50-60,000 range. Some  
950 of that's our time which obviously isn't an additional cost to the city, so  
951 it's not like we're taking \$50-60,000 away from other projects. But  
952 certainly, paying the attorneys is something that would have to be found  
953 somewhere in the budget. That's okay. Council heard that, and I didn't hear  
954 any feedback from them that they had any major concerns with that. But to my  
955 point is if we do cancel a meeting, it would probably save us \$5,000-\$6,000.  
956 So you can think about that as we move forward. And I should say, it looks to



957 me like we already are planning on cancelling one meeting because you were  
 958 planning on meeting on August 5<sup>th</sup>.  
 959 **BELOV:** For the record, I'd just like to say that I know money is a concern,  
 960 but if you consider that it would be close to \$6,000 per employee that we  
 961 would paying in health benefits and all that. So if we could figure something  
 962 that saves us as taxpayers money down the road, this will be money well  
 963 spent.  
 964 **MEYER:** Well, I'm not sure where that number's coming from, Naomi, but aside  
 965 from that, I feel like there's value, a lot of value, in the work that we're  
 966 doing. And while I would suggest that we do postpone our Monday meeting, it  
 967 would behoove us to maybe meet on a Wednesday/Thursday of next week so that  
 968 we can really get into this language that Chad's office will be presenting to  
 969 us and carry forth additional discussion on that end then on Thursday, wrap  
 970 up this discussion so that we can turn that over to Chad's office to get  
 971 going on language because we really are on a time crunch. And I'm not  
 972 suggesting that cancelling Monday's meeting is necessary, but I just am not  
 973 sure that's going to be the most effective use of all of our time when we  
 974 haven't had an opportunity to review the language. Rachel, Beth, do you have  
 975 anything to add?  
 976 **SCHOENING:** Sounds like we've already cancelled the August 5<sup>th</sup> meeting.  
 977 **MEYER:** The 5<sup>th</sup> meeting?  
 978 **SCHOENING:** Right. I mean, there's nothing to do at the August 5<sup>th</sup> meeting, so  
 979 that's already off the table.  
 980 **PESSEMIER:** Yeah. Your packet's going to have to be completed by August 2<sup>nd</sup>.  
 981 **SCHOENING:** So the August 5<sup>th</sup> meeting is done. I feel like if we don't walk  
 982 out of here tonight with a 24-hour decision, we're not going to get one.  
 983 That's how I feel.  
 984 **MEYER:** Okay.  
 985 **SCHOENING:** Regardless of Monday - because if we have those packets in front  
 986 of us, and we meet on Monday, we're going to discuss it. Not that we're 5-  
 987 year-olds, but I think that's what's going to happen. And I feel like we need  
 988 to spend some time looking at those. So I don't have a problem adding a  
 989 Wednesday - I mean, I'm not thrilled out it, but if we have to add a  
 990 Wednesday, that's great. But I don't think we should leave here without at  
 991 least getting some idea of some language for the 24-hour issue, and I don't  
 992 think that means we stay late. I think that means we figure out what we're  
 993 talking about and what we want and get that done, or I don't think it's going  
 994 to happen.  
 995 **MEYER:** Okay.  
 996 **SCHOENING:** Because I think that the labor issues are going to be much bigger  
 997 than we think they are or maybe we know how big they are, but I think they're  
 998 going to take up the rest of the time we have to discuss anything else.  
 999 **BRUTON:** I would like to add that based on the scope of potential ordinances  
 1000 that this committee has been looking at, we haven't had a real targeted goal  
 1001 for public comment. And I think that public comment, people are going to want  
 1002 to actually know what they're coming in and looking at and commenting to. And  
 1003 so if we look to that Wednesday/Thursday strategy, we might have more people  
 1004 who are willing to comment to the specific potential regulations, and we  
 1005 might be able to get a clear vision of what the community and what our  
 1006 business community is thinking. And that's something that I think needs to  
 1007 happen. We should fill this chamber if we're going to be looking at drafting  
 1008 potential law.  
 1009 **COOKE:** I do agree, but I think, just to remember, we're not drafting. We're  
 1010 drafting the ordinances that will go to the ballot for consideration.  
 1011 **BRUTON:** For consideration.  
 1012 **COOKE:** Right.  
 1013 **PESSEMIER:** Yeah. And as I mentioned, the reason to have this stuff done by  
 1014 August 2<sup>nd</sup> is so the council can have a public hearing, and I would expect  
 1015 that would be a time where people can come in and give them their thoughts as  
 1016 well.

1017 **MEYER:** Yeah. I would agree. So I don't feel like we have consensus on  
1018 whether or not to meet on Monday. Can we just go around the table and take a  
1019 quick, informal vote? Naomi, what do you think about Monday?  
1020 **BELOV:** Monday works much better with my schedule, but I can do Wednesday if  
1021 necessary.  
1022 **MEYER:** Okay. Larry.  
1023 **O'KEEFE:** I am having a hard time because I'm out of town next week. I can  
1024 probably make it back for Wednesday night. I'm not going to be here Thursday.  
1025 Friday would work, but I don't want to be the only - I could make it  
1026 Wednesday if you got Wednesday and Thursday, and I'll just - is there a way I  
1027 can get the information and let people know my thoughts on that if I have  
1028 something to read about?  
1029 **PESSEMIER:** Absolutely. Yeah. It sounds like it'll be ready on Monday, and  
1030 you can just provide written comments to the committee.  
1031 **O'KEEFE:** Okay. Great.  
1032 **BRUTON:** I am available as needed on any of those days.  
1033 **SCOTT:** I feel like if we don't conclude the 24-hour tonight, we need to meet  
1034 on Monday to continue it. If we do, then I think cancelling Monday makes  
1035 sense.  
1036 **MEYER:** I agree with Doug.  
1037 **COOKE:** I think we're capable of completing the 24-hour tonight, and we  
1038 should move forward with cancelling Monday if we are able to do that.  
1039 **MEYER:** Rachel?  
1040 **SCHOENING:** (Indecipherable).  
1041 **MEYER:** Okay. So let's take a 10-minute break. We'll open up for public  
1042 comment for 40 minutes or as - hopefully, it may or may not even take 40  
1043 minutes, but we'll take up to 40 minutes of public comment. And then let's  
1044 dig back in and work on this 24-hour issue.  
1045 **BREAK**  
1046 **MEYER:** Okay. Let's get going. I'm going to call the meeting back to order  
1047 please, and we are now going to open up the meeting for public comment. So  
1048 each individual will have up to four minutes, and if you can please focus - I  
1049 can't tell you what to do, but I would encourage you to focus your comments  
1050 based on our discussion tonight and/or any of the other discussions that  
1051 we've had specific to these committee meetings. So come on up. Come on up,  
1052 yeah. Could you push your button, please.  
1053 **BEVILLE:** Tony Beville, SW Lindley, Sherwood. I have a question, a couple  
1054 questions...  
1055 **MEYER:** Can I interrupt you one second? If you have questions, we're not  
1056 going to engage in a question/answer, but maybe we'll write down and get back  
1057 to you in our closing comments.  
1058 **BEVILLE:** Sure. It seems to me that right now a lot of the discussion is  
1059 about protecting future business that may be coming to Sherwood, retail  
1060 business that may be affected by this 24-hour business, I'd like to know what  
1061 businesses currently - is it the chamber or the city pursuing to come to  
1062 Sherwood that would be affected by this 24-hour prohibition or permit. That's  
1063 the first question. And the second question I have is, and it doesn't - not  
1064 to this one, but in a way it does, but if the evil empire, Wa-Mart, folds,  
1065 will - are you going to write an amendment that makes them restore that  
1066 property to its original state? That's a question. And here's a comment I  
1067 have. For a business to be closed from 1:00-6:00 a.m., I can't think I would  
1068 ever wake up at 3:00 in the morning and think, "Gee, I'm going to go buy a  
1069 generator," anywhere or "I want to buy a quart of oil." To me, this is a non-  
1070 issue. We don't need it. And why we don't need it - I mean, we were all kids  
1071 at one time and snuck out and got into mischief, and I think that would be  
1072 kind of a magnet for that kind of behavior. So that's just - but they're two  
1073 legitimate questions. Thank you.  
1074 **MEYER:** Thanks, Tony.  
1075 **NANCY:** I apologize for being late tonight. I work very, very hard, and I had  
1076 to go into the Lloyd Center area where my office is. Across the street from

1077 where I work, and I'm going to just tell a brief story that's going to have a  
1078 lot to do with 24 hours. Across the street from where I work - I have a sky  
1079 bridge over to the Lloyd Center. I have another building that's across from  
1080 what I call needle park, but it's actually where the TriMet stop is that you  
1081 get onto the MAX and go into the city center. It used to be free. It used to  
1082 be called the "free zone," and you could get on it and just go all over. They  
1083 put a stop to that, or they thought they were going to put a stop to all the  
1084 problems that they were having in Lloyd Center by taking away this free zone.  
1085 They didn't. It's still needle park. If you want to buy, I guess, heroine,  
1086 those types of things you're going to find them there. And you're going to  
1087 find them there 24 hours a day. Their hours of operation, the park and the  
1088 people who live in the park, are about 1:00 to about 6:00, but I think at  
1089 about 3:00 or 4:00, they kind of clear out and go other places. There's a  
1090 camp down below that they live in, places like that. So if you're looking at  
1091 what kind of businesses want to be open that time, I've actually seen those  
1092 businesses because I've had to be in the office for 24 hours because we had  
1093 to do practice drills on what we do if we had a force majeure. For those of  
1094 you who don't know that word, it means everything goes out, we all have to  
1095 come together and restore it as a utility company. So with that being said, I  
1096 know I'm not an expert, but I do kind of live it every day. How do I get to  
1097 work, how do I get home, how am I safe, how am I not safe. I would not get on  
1098 TriMet after 1:00. I don't think I'd get on TriMet after 8:00 personally. I  
1099 used to work for U.S. West. I got off - I was across from Big Pink which is  
1100 the big - we call it Big Pink. What do you guys call it here? Who owns it  
1101 now? I think it's one of the banks.

1102 **O'KEEFE:** U.S. Bancorp Tower.

1103 **NANCY:** Yeah. Right. Oh my, God. So we get off, and you look out the window  
1104 before you got off work because you didn't know if you were going to have  
1105 people lined up with their hands tied behind their backs with those garbage  
1106 bag things because the police were going to take them away or INS was going  
1107 to take them away. If you're looking at 24/7 businesses, go spend the night  
1108 in that park. You'll see what I'm talking about. Thank you.

1109 **O'KEEFE:** Thank you.

1110 **MEYER:** Thanks, Nancy. Anyone else? Okay. So thank you very much for the  
1111 comments this evening. I think what we'll do is return back to our earlier  
1112 conversation and let's start with a focus on hours of operation.

1113 **BELOV:** I'd like to give the example of Woodburn because I know that - was it  
1114 Corvallis or Cornel - what was it?

1115 **O'KEEFE:** Cornelius.

1116 **BELOV:** Cornelius. Okay. That you had given. I don't know. That store's only  
1117 been there like two years. It takes a while for the effects of a Wal-Mart to  
1118 thoroughly affect an area. I was outside of (indecipherable) market one day,  
1119 and this couple came up to me, and they said, "I'm so glad you're here," - I  
1120 had a Wal-Mart sign, a No Wal-Mart sign, and they said, "Because we moved  
1121 here from Woodburn, and the reason why we did was because there was no Wal-  
1122 Mart. It's safer here." So safety for them was a huge concern, and  
1123 apparently, when the Wal-Mart store came into Woodburn, the problems just  
1124 rose tremendously. I don't know if you've all been to Woodburn. Do you know  
1125 what I'm talking about.

1126 **MEYER:** I'm kind of hoping that you can kind of getting back to the 24-hour  
1127 issue and thresholds and if we can - and not to dismiss concerns or your  
1128 thoughts, but I'd really like to hone in on our discussion points.

1129 **BELOV:** Okay.

1130 **MEYER:** Go ahead.

1131 **SCOTT:** I guess maybe I'd like to kind of get a sense of, from the rest of  
1132 the committee, which kind of avenue we're leaning toward as far as a  
1133 prohibition with exceptions or general hours with an application process, and  
1134 maybe that would help us focus on what direction we want to go for an  
1135 ordinance.

1136 O'KEEFE: I would go - I'm leaning towards a prohibition. I was thinking  
1137 about an application process, but after listening to Chad, it sounds like the  
1138 prohibition would be easier to write, less chance for it to be appealed, and  
1139 it would easier to apply in a fair and equitable place across the board. Is  
1140 that correct? Is that what I was hearing you say?

1141 JACOBS: We can write either of them. And I don't know that one's easier to  
1142 write than the other because whichever one we're going to write, we're going  
1143 to want to make sure that it's narrowly tailored and that we have a lot of  
1144 the justification for the ordinance like the Camden ordinance has in it. So  
1145 it's not going to be - we gave an example of like an Washington township  
1146 ordinance in New Jersey which was like five lines. We're not going to write  
1147 you an ordinance like that. One's not necessarily going to be more simple  
1148 than the other. And who's going to challenge it in court? I think, honestly,  
1149 the flat-out prohibition has more of a chance of being challenged because it  
1150 doesn't give someone the opportunity to actually be open 24 hours. The risk  
1151 in having a process where someone can - a permitting process is sort of what  
1152 Doug was talking about, is what criteria are you going to use for that, and  
1153 we need to make sure in the future that it's applied equally across the  
1154 board. And that's not necessarily something about a challenge to the drafting  
1155 of the law but actually the application of the law, if that makes sense.

1156 O'KEEFE: Actually, it does make sense because as much as this city council  
1157 has kind of been here for a while, every two, three, four years, a new city  
1158 council comes on, and it's kind of - I think the application process is a  
1159 little bit somewhat subjective to where - I don't know. I guess I'm just  
1160 leaning towards it's just a flat out -

1161 SCHOENING: So my suggestion might be that we think of what those exemptions  
1162 might be, and maybe the exemption is the way that you apply for the permit.  
1163 So in other words, there is the use of health and well being, the health and  
1164 well being of the community if it is decided that this organization should be  
1165 allowed to be open for 24 hours - or for extended hours. It doesn't even need  
1166 to be 24 hours. So someone wants to be open until 2:00 a.m., and maybe they  
1167 want to be open up to 2:00, and we want to close them at 1:00, and they have  
1168 the opportunity to apply for that permit based on the health and well being  
1169 of the community, and possibly a 24-hour pharmacy would be the reason to do  
1170 that. So maybe if we can sort of loop that in. I guess what I'm trying to say  
1171 is I propose that we look at an ordinance that limits the amount of hours  
1172 that a large retail or a large business can be open. I'm very, very concerned  
1173 about the noise ordinance because we've already got one, and I think that  
1174 just needs to be updated. And I feel like things like picking up garbage,  
1175 garbage trucks, bakeries by the way are open at 3:00 in the morning. I am  
1176 frequently at my restaurant before 5:00 in the morning because I open early.  
1177 So there are good reasons to be in your business and to have your business be  
1178 open. We don't actually have one of those bakeries, but they are open very  
1179 early. So I feel like if there is a reason which is - a real reason a  
1180 business could apply for this permit, I think we should allow it. Because  
1181 when I think that when you start talking prohibition is when you start  
1182 talking lawsuit. When you say you cannot operate your business because of - I  
1183 think that causes a lot of issues. But if we're saying because we're  
1184 concerned about the health - for both reasons. We're concerned about the  
1185 health and well being of the community. We want to keep our community safe.  
1186 The light I think is a good one. Peace is a good reason to say we want you to  
1187 be closed during these hours. But I think that if you have a good reason for  
1188 being open, like a 24-hour urgent care that might have a pharmacy attached  
1189 which could be zoned retail because of that, those are reasons that I think  
1190 someone should be able to apply.

1191 MEYER: Did you have anything to add, Beth?

1192 COOKE: I think you bring up some good points. Absolutely. Again, I think  
1193 we're looking at larger rather than smaller. I don't think that restaurants  
1194 are currently one of my big concerns. I think the police - what was then name  
1195 of the gentleman who - you had his name...

1196 **MEYER:** Oh, Chief Groth.

1197 **COOKE:** When he spoke at the city council meeting, he mentioned that in

1198 particular that the number of calls at a Shari's is not going to be

1199 equivalent to that at a large retail space. So I think that's - you brought

1200 up the light pollution issue, and I've heard that from several of the

1201 residents who live - surrounding some of the current places of business that

1202 might be open later and the impact that that has on their lives

1203 (indecipherable).

1204 **MEYER:** So with both of those comments in mind, one of the things that I

1205 would like to remind the committee is that in addition to making a

1206 recommendation on ordinances, one of the things that we will do in our

1207 presentation to council is make suggestions on items that have come up. So

1208 for example, making a recommendation to council about updating the noise

1209 ordinance is something that we can certainly do, and we're not precluded from

1210 making those recommendations. And so if we collectively feel like that's

1211 important, then we can certainly include that in our report to council. I

1212 just wanted to throw that in there. If I were - if you were to ask me, which

1213 you are, which kind of ordinance I feel is sensible in this case, I would

1214 lean toward a prohibition ordinance. Because I think as I read through the

1215 City of Camden's ordinance, it addresses the very points upon which this

1216 committee was created - to preserve, to continue to instill the values of

1217 this community, to support our small businesses, to continue to enhance the

1218 vitality of Sherwood as a whole. So while I heed the concern, Chad, and I

1219 appreciate that, that would be my personal - that is my personal feeling.

1220 **BRUTON:** So I think I would agree as long - I mean, I think we've already

1221 agreed on an ordinance to regulate. Just reading the Camden ordinance, an

1222 ordinance "to regulate the hours of restaurants, retail, food establishments,

1223 retails sales, and personal service business." I would just ask that we

1224 strike restaurants from that. Though you did bring up the example of Stars,

1225 and that is a concern as well, but -

1226 **O'KEEFE:** Could I ask this? If we went with this prohibition and added

1227 something in there like there may be exemptions subject to permit and

1228 application process. Businesses may apply for an exemption through a permit

1229 process. Is that something that's possible?

1230 **JACOBS:** Absolutely.

1231 **O'KEEFE:** Would that be a good compromise?

1232 **COOKE:** So we could keep restaurants in?

1233 **O'KEEFE:** Yeah. And then they could apply for - and then when they'd do that,

1234 there would be a public comment, I'm sure.

1235 **SCHOENING:** I have an existing 24-hour restaurant. Are you telling me you're

1236 going to change their hours of operation?

1237 **O'KEEFE:** No. They wouldn't - if they're grandfathered in like that. If you

1238 have an existing 24-hour restaurant right now, they don't have to apply.

1239 Right?

1240 **SCOTT:**

1241 I don't have any interest in restricting restaurant business, personally -

1242 restaurant hours of operation. And I also think that maybe getting hung up a

1243 little bit on the language in Camden maybe is a little bit premature, and we

1244 should just state plainly what it is - what we're trying to do and then let

1245 Chad and his team come - and if they start with Camden, great, but I think

1246 we're maybe a little early to start going through that language verbatim and

1247 striking or whatever. To me, I think what I'm hearing people are most

1248 interested in is specifically retail, not including restaurant, not including

1249 gas station - someone can correct me if they agree with any of this - not

1250 including restaurant, not including gas station, not including convenience

1251 stores, and then probably only saying a certain size of retail. I think

1252 that's not unanimous, but I think that's the consensus of what I'm hearing

1253 around here, and maybe that's where to start. Nancy, I know you want to say

1254 something.

**BRUTON:** Yeah, and it kind of actually follows off of that, and I hope this is okay. I just wanted to give a little disclaimer. I personally feel that it's my fiduciary responsibility to get caught up on the scope of work that this committee has already done before I get really get into the wealth of information that I've been able to gather from our business community because some of it you may have already talked to. And with that being said, I just wanted to make a note that I think that in a lot of ways that this is somewhat problematic. That we are looking at an ordinance that we don't yet have a problem for, and it's kind of the cart pulling the horse. I think that this is definitely something that - I believe in the quality of life. I don't want litter in our community, and I care about our community, but I also don't know if this is a current problem, and with our future retail businesses that it will be. And so I don't know if this is something that - I think it's something that we should continue to dialogue about because I absolutely think it's important that we look at the impact of this type of ordinance or this type of regulation on the business community as a whole into the future. But I keep having to step back and ask myself, "Is this something that has to hit the November ballot or is it something that we can take more time with?" Make a recommendation to council to say, "Let's explore these ideas," but with a more wealth of information. And I say that because right now - we were handed a packet this evening, and I know we've been tasked with let's make recommendations to council about potential ordinances for the November ballot, but I still have in the back of my mind, maybe we can make potential recommendations for things that we can look at to increase the quality of life here in Sherwood. But maybe this committee could look at the option of saying, "It doesn't have to be a regulation we can put on the ballot now." It can be something that we consider into the future and take more time doing it right and doing it quality. I know that's probably not the most popular comment tonight, but I feel like right now, because of our timing, we are looking at so many things, that we're not able to get a quality product.

**MEYER:** And if I can speak to that point, Nancy, I think that - again, I think we all have so much to contribute to this conversation. The charge of this committee is to represent the people of Sherwood. And in our work here is to potentially establish reasonable parameters that we can recommend to council. And what council does with those parameters that we arrive at is entirely up to council and people that comment. I would I suppose argue your point if you were to categorize this an argument, but I think we have a responsibility as residents in Sherwood to be proactive and not reactive. I think that if you wait until "that" happens whether that's criminal activity or otherwise, I think it's an unfortunate thing for a community to do, to wait. And I think that establishing basic parameters upon which we feel are appropriate for residents within Sherwood is what we've been called and asked to.

**BELOV:** Can I ask a questions? Nancy, do you live in Sherwood?

**BRUTON:** I do not. I am member who conducts business here.

**BELOV:** Okay. Because the last conversation you and I had about the Wal-Mart development in particular - it was interesting to me because you said it was a tourist attraction.

**BRUTON:** I actually did not say that, but I also don't believe that fits within the scope of this committees discussion.

**BELOV:** Well, I think it does because we're talking about things that will benefit the community and the people that live here. So if you're coming from this from the perspective that you're going be helping the businesses, we're here to talk on behalf of the 1,800 people that expressed concerns, so that's our primary focus.

**BRUTON:** I don't believe everyone sitting at this table is here to represent 1,800 people.

**SCHOENING:** I don't live here either.

**MEYER:** And that's true. We are not here representing 1,800 people. We are here representing the residents of Sherwood. And a part of our function and a part of our goal is to, again, and I keep coming back to this, to preserve the character, preserve the feel of Sherwood, businesses and residents alike. And how we do that is why we're here.

**SCOTT:** I feel like we keep coming back to the same conversation, and we're not really - of why we're here, and I think we all know why we're here, and we can debate endlessly about it, but we're losing time, and we're not making progress. And I think ultimately, we're talking about a 24-hour ordinance, and whether any one of us on here is ultimately going to support what we come up with doesn't really matter right now. Let's come up with the parameters and then when we get further down - we can debate those parameters right now, and we can horse trade say, well I think 12:00 is better than 1:00, great. Okay. What do we all think? Okay. 1:00 is better, 12:00 is better. And we can get somewhere, and then at the end, when we get the ordinance back, we can say, "You know what? I can't vote to recommend that because ultimately where it ended up is just too - not where I'm willing to go." Or "Hey I can recommend this." I maybe don't even agree with it, but I think it's a reasonable enough thing to put to the 18,205 voters of this city and let them decide. So I would really like to get back to - let's set those parameters and worry about the legal language later and worry about whether or not we support the whole idea of an hourly limitation later. We're talking about the possibility of doing one whether or not - and you may be sitting here saying, "I'm not in support of any kind of hour limit at all. Period." Great. At least undertake the conversation of saying if we were to do something like this and put it on the ballot, which we are or potentially are, what would it look like? What was the most reasonable thing we can all come up with together to recommend and then vote against it when we vote. So I want to come back to what I started with a few minutes ago which is what do people feel like is the right parameters around this. And I think I mentioned, and I'll say it again. This would only include retail. Would not restrict hours of operation for restaurants. Would not restrict hours of operations for gas stations or convenience stores or pharmacies or a movie theater, and it would only then affect retail which is defined as somebody going into the stores and buying something and taking it home..

**O'KEEFE:** Or drive throughs, right?

**SCOTT:** Drive through restaurant. Yeah. It's all the same.

**MEYER:** Doug, can I interject and ask a question?

**SCOTT:** Yes.

**MEYER:** Okay. So let's focus on this.

**SCOTT:** So can we focus on that aspect and then get to some agreement?

**COOKE:** So actually, I kind of feel like we almost need to come to an agreement that this is something we want to pursue before - because Nancy, it does not sound as if this is an ordinance you would be willing to consider even if we get it to the point where it's drafted. So I would like to make sure we have - before we put the work in, I'd love to make sure that we have the votes that this is something we can agree on, at least in concept, that we're going to forward to city council. The 24 hour -

**O'KEEFE:** Before we answer that, I think it's important to remember that we're not deciding something - I think our question to ourselves would be "Is this something that we can bring to the table and have the voters vote on."

**BRUTON:** Well and to take to council.

**COOKE:** And that's what I said - to forward to council.

**BELOV:** And we're just doing what they've asked us to do. Correct?

**MEYER:** I'm a huge proponent of moving forward with some limitations.

**BELOV:** And Doug, I like your parameters that you set. Perfect.

**MEYER:** And as it pertains to retail.

**O'KEEFE:** I would agree 100%. When you talk about - the reason I said drive through is I just wanted to clarify restaurants that would be exempt, but I like that 100%, and I'd be interested to - I don't know. I keep getting a

1374 feeling that we're close here and that we can go ahead. But let me know how  
1375 you feel. Rachel?

1376 **SCHOENING:** I am very concerned about how sweeping this is. 24-hour retail, if  
1377 that's what we're sticking with, I think that that's fair, and I think that  
1378 to Naomi's point, if that's what people's concerns are then I think that we  
1379 should let them vote on it. I do have the resolution from the city council in  
1380 front of me, and I've read it every day before we come to this meeting, and I  
1381 know it doesn't say anything about one specific thing. It doesn't say because  
1382 of a certain reason. It says it needs to happen. So that being said, I can go  
1383 with the 24-hour retail. I am wondering how a pharmacy gets separated from  
1384 retail.

1385 **MEYER:** And that's for Chad to figure as an exemption.

1386 **JACOBS:** And we can do that. I guess one of my questions is - because you  
1387 said you want to exempt convenience stores, and...

1388 **SCHOENING:** That's retail.

1389 **JACOBS:** Yeah. The definition of retail, for the most part, you know...

1390 **MEYER:** So perhaps we look at square footage.

1391 **JACOBS:** So one of the things I think you want to articulate in having this  
1392 discussion is the rational basis that you're relying upon to distinguish  
1393 between these types of things. So for example, when you talk about a pharmacy  
1394 being open, you mentioned the health and welfare of the community and the  
1395 people who may need to go get diapers or get their prescription or whatever  
1396 else. So you've come up with a rational reason why that is okay. If you're  
1397 talking about two retail stores, and you're going to say one is X size and  
1398 one is another size, and we're going to say if you're this big, you can't be  
1399 open, but if you're this small, you can be, you want to be able to articulate  
1400 a reason why that's rational and what is the difference between the two that  
1401 is causing problems at the larger one versus the smaller one. And you've had  
1402 some of that discussion with the parking lot and things of that nature, but  
1403 then Rachel brought up the question about the small one that's part of an  
1404 overall development that has a large parking lot. So you want to be able to  
1405 articulate those types of reasons because that's where the challenge is going  
1406 to come in from someone suing the city.

1407 **SCHOENING:** In specifics to just one - answering maybe one comment. My  
1408 husband is a bartender, and he works frequently until 1:00 or 2:00 in the  
1409 morning, and we have children. Frequently, he stops at stores and gets gas  
1410 and gets diapers and gets milk. So I just want to say to you that I do  
1411 believe that people need to buy things at 3:00 in the morning for various  
1412 reasons. I think that some of the men and women that Larry work with might  
1413 get off in the middle of the night and need to go home also. So that being  
1414 said, there are valid reasons for needing to have a retail store in the  
1415 middle of the night. So could we maybe say a store attached to a gas station  
1416 since we've determined that gas stations are okay? Can we do that Chad? Is  
1417 that something that can be written?

1418 **JACOBS:** Yeah. We can, and I think you want to, again, be able to articulate  
1419 the differences between the two. And one of the things I would also encourage  
1420 you to think about is are we talking about a city-wide ban or are we talking  
1421 about bans that are within a certain distance of residential properties.  
1422 Because if you've got something that's not close to residential properties at  
1423 all, do you really have that same rational basis that you're talking about  
1424 for other types of things?

1425 **COOKE:** I think when it comes to police coverage, as long as it's in city  
1426 boundaries, we're still talking about some of the same issues even if they're  
1427 not within 200 feet of residential.

1428 **SCOTT:** And the other thing then that kind of distinction draws in for me is  
1429 competitive advantage. I'm really concerned about setting up any situation  
1430 where somebody has competitive advantage over somebody else on a somewhat  
1431 arbitrary basis.

1432 **MEYER:** Well, with that in mind, if the competitive issue is a concern, then  
1433 this ordinance makes even more sense. Because if you're talking about an even



1434 playing field, for lack of better words, then causing a restriction for hours  
1435 would create a better playing field. So if we are limiting hours of retail  
1436 operations - I think earlier Beth threw something out along the lines of 6:00  
1437 a.m. to 1:00 a.m., then retail businesses within Sherwood operating under  
1438 those hours - that to me is causing an opportunity for an even playing field  
1439 if large retailers are open during those hours. So you can choose - at this  
1440 time, the best example I can think of is Albertson's and Safeway. There is  
1441 competition between the two. They have like products, and their hours are  
1442 quite similar.

1443 **SCOTT:** And that's a great point because the Albertson's could be within the  
1444 proximity to a residential zone and the Safeway wouldn't be potentially or  
1445 vice versa depending on where you drew that number, right? And so I would  
1446 hate to set up anything that would allow one of them to be open and not the  
1447 other. I think that would just be not right.

1448 **MEYER:** So how to folks feel about 6:00 a.m. - 1:00 a.m.?

1449 **SCOTT:** I really want to finish the other conversation before we move to  
1450 hours.

1451 **MEYER:** Okay. Oh, so like a size for example?

1452 **SCOTT:** Well, we were talking about size, or we were talking about type of  
1453 business...

1454 **O'KEEFE:** The specifics.

1455 **SCOTT:** The specific type of businesses, and I'd really like to see us come  
1456 to some - let's put that one to bed and then move on to the next one, right?  
1457 The next component.

1458 **MEYER:** I thought we talked about retail, big business.

1459 **SCOTT:** Well, retail is a very vague term.

1460 **MEYER:** And that's why I felt like we were moving toward a size. Did I not  
1461 understand that correctly?

1462 **O'KEEFE:** I think Doug brought up some specifics that weren't - I mean, I  
1463 agree (indecipherable) size.

1464 **SCOTT:** I wasn't talking about size, but if that's the direction the rest of  
1465 the group wants to move in.

1466 **O'KEEFE:** Maybe you could repeat those specifics for us.

1467 **COOKE:** Well, I think Chad also suggested that size was not necessarily the  
1468 best criteria, that possibly use.

1469 **JACOBS:** Well, it can be, but what I'm encouraging you to do is think about  
1470 and articulate the different problems that a larger retailer may cause that  
1471 would not exist with a smaller retailer. And articulate those reasons now or  
1472 as we consider this ordinance in the future. Possibly talk to the police  
1473 chief about additional crime that may occur at a larger retailer. Get info  
1474 from the community about additional noise or other types of things, examples  
1475 from Woodburn that may have occurred. Whatever type of record that you can  
1476 build to be able to distinguish why it is okay - why this smaller retailer is  
1477 not going cause the same problems as the larger retailer. And if you're able  
1478 to do that, then we would have a much better opportunity to defend the  
1479 ordinance if it's challenged as opposed to just arbitrarily picking some  
1480 criteria and saying we're going to say yes to these people and no to these  
1481 people.

1482 **MEYER:** Yeah. And I think that that's more than reasonable. Looking at a  
1483 couple of other local municipalities, both the city of Bend and the city of  
1484 Hood River came together, and they did do some prohibition-type ordinances  
1485 that - I have bins, I happen to have bins in front of me, and they listed all  
1486 kinds of reasons why they felt like they needed to amend their nuisance  
1487 ordinance in particular and then addressed some of the things I brought up  
1488 earlier: The loitering in the parking lots and the car games and the  
1489 cruising and the loitering, and even trespassing issues. I think the larger  
1490 footprint you have for a retail facility, the greater potential impact that  
1491 you're going to have for people that are not supposed to be there. And in my  
1492 experience, again, as a property manager of all types of property types,

1493 retail facilities, large retail facilities, are absolutely far more impacted  
1494 than some of the smaller facilities.

1495 **BELOV:** And if the large retailer is selling guns and alcohol and that sort  
1496 of thing, it could impact the crime within the area as well, right?

1497 **MEYER:** Well, I don't know that. But what I do know is, again, if you have a  
1498 larger facility, you have the potential for greater disturbance. And so  
1499 that's the basis upon which I would feel like a prohibition ordinance would  
1500 be sensible.

1501 **BRUTON:** Well, and you just said something really interesting to me because  
1502 Rachel had mentioned earlier that it may be time for us to look at the noise  
1503 ordinance again here in town, and I would be curious if expanding the noise  
1504 ordinance to something more like a nuisance ordinance that would include  
1505 things like lighting, loitering, littering, and be a general reflection of  
1506 the people who are doing it and committing those acts rather than penalizing  
1507 maybe the lot of land that they're on whether it's business or residential  
1508 might be worth considering.

1509 **MEYER:** But I think - I see your point, but I think that establishing as a  
1510 committee and making a recommendation as a committee based on what we feel  
1511 are appropriate and reasonable business practices make sense. And so if we do  
1512 feel like establishing hours like some of our existing retailers have makes  
1513 sense for all of these reasons, the additional congregating and all of those  
1514 things, then I feel like we're moving toward some kind of an agreement.

1515 **SCOTT:** So I feel like we're getting back off track again. So I'm sensing two  
1516 options here. I think we've coalesced around prohibition maybe, so that's  
1517 good. I'm sensing two options, though. One I'm hearing is let's go after the  
1518 size, and then there was the other idea that I proposed about let's talk  
1519 about types of businesses instead of sizes of business. And so maybe we  
1520 should kind of take a vote for lack of a better process of kind of getting  
1521 some idea of which one of those methods we want to pursue because, otherwise,  
1522 we're just going to keep talking about it and really not make any more  
1523 progress.

1524 **O'KEEFE:** I would agree to take a vote and either vote on types of businesses  
1525 or size, and we're going to go down one of those two roads, right?

1526 **MEYER:** Well, we don't have to take an official vote.

1527 **O'KEEFE:** No. But I mean informal vote just so that we can stay on track here  
1528 for the next 45 minutes.

1529 **MEYER:** Okay. I'm going to start on this side since I started on that side  
1530 last time. Do you want met to skip you and come back to you? Okay, Beth.

1531 **COOKE:** I think I'd probably feel more comfortable with type of businesses at  
1532 this point. So general category with the option for - I know we've discussed  
1533 before, some variant - like a conditional use on a temporary basis.

1534 **O'KEEFE:** Structured permit process.

1535 **SCOTT:** For holiday and..

1536 **MEYER:** Okay. Doug.

1537 **SCOTT:** Oh, I think I'm clear. I'm also on the type route with temporary  
1538 holiday hours type of things or movie premiers, video game launches, those  
1539 kind of things.

1540 **BRUTON:** Yeah, I was leaning towards types, too. All those video game  
1541 premiers.

1542 **O'KEEFE:** Oh, yeah. Movie premiers. I forgot about that. Yes, type.

1543 **MEYER:** Okay. Naomi.

1544 **BELOV:** Let me just be clear about what we're voting on here. So we're voting  
1545 on - because I thought we were going to be voting on the size of the building  
1546 or - ?

1547 **MEYER:** Well, that's the question is whether or not we'd like to see an  
1548 ordinance drafted to begin with a type of use or a size of a building.

1549 **BELOV:** I would go with size. Yeah.

1550 **MEYER:** Back to you, Rachel. I feel like I'm in a game show.

1551 **SCHOENING:** I need take a little bit longer to process sometimes. Type most  
1552 definitely because, again, I keep thinking of reasons why small businesses

1553 and large businesses might want to be open. Franz Bakery, for instance, might  
 1554 have a retail store. I can just - I keep thinking of reasons why a retailer  
 1555 would have a good reason to be open during those hours, and it makes sense to  
 1556 me.

1557 **O'KEEFE:** And I agree because - let's take Franz for an example. Those guys  
 1558 show up at 3:00-4:00 in the morning, right? They have a retail center. Maybe  
 1559 they want to open up at 5:00 in the morning. Under whatever proposal that  
 1560 we're thinking about going down, they could ask for a variance or a permit  
 1561 exemption process to where they could just change their hours to 5:00. The  
 1562 same with Walgreens because it would be a health and wellness.

1563 **SCOTT:** I believe we had earlier...

1564 **MEYER:** Can I ask Chad a quick question before you finish that? A thought I  
 1565 don't want to forget.

1566 **SCOTT:** Yes.

1567 **MEYER:** Basically, what I'm hearing is that we've got some consensus on  
 1568 perhaps type. Now what makes sense in terms of our discussion for you. We  
 1569 need to be able to give you some direction, and I want to be able to do that  
 1570 clearly, efficiently, and effectively.

1571 **JACOBS:** I would suggest that you next sort of go through the list that Doug  
 1572 had and say are those the types of establishments that you want to include or  
 1573 exclude within the prohibition.

1574 **MEYER:** Okay. So let's do that before we get on to next topic. Is that fair?  
 1575 Okay. So feel free to chime in. Let's talk about the type we would like to  
 1576 exclude first.

1577 **O'KEEFE:** I think Doug probably has them on the tip of his tongue that he can  
 1578 rattle off.

1579 **SCOTT:** They're in my brain somewhere. So maybe just do it one at a time. So  
 1580 the first one, and I agree that we should talk about types of businesses -  
 1581 well, first of all, we're only talking about commercial, right? We're all in  
 1582 agreement.

1583 **MEYER:** Retail.

1584 **SCOTT:** We're not talking about industrial or anything like that?

1585 **MEYER:** No. We're just on retail.

1586 **COOKE:** Do we want to say retail sales and personal services?

1587 **SCOTT:** Yeah, there's been some good definitions in some of these other - and  
 1588 I don't even know if it was in tonight's packet, but other packets that had a  
 1589 really good definition of retail like you receive goods in bulk, and you sell  
 1590 them in lesser bulk, and there are some things out there I've seen that maybe  
 1591 would capture what we're getting at, and I think you know what that is,  
 1592 right? So the first one I would like to exempt would be any type of  
 1593 restaurant, bar, eating establishment like that.

1594 **COOKE:** But if we write it for specifically for retail and personal services  
 1595 then we wouldn't have to do that.

1596 **SCOTT:** Okay. As long as it's clear that those are exempted, and we're all in  
 1597 agreement with exempting those? Yes? No?

1598 **MEYER:** I'm okay with that.

1599 **O'KEEFE:** I'm in agreement.

1600 **BELOV:** I have a question. Because the new development, doesn't it have 18  
 1601 additional shops? So you might have the big Wal-Mart anchor store, so that  
 1602 would be closed, and the restaurants next to it could potentially be open?

1603 **SCOTT:** There's certainly - I think there's a drive-through pad already in  
 1604 there, and there's also a bank one that could be a second drive-through pad.  
 1605 So presumable those could be open while the rest of the development was  
 1606 closed. There's also a restaurant pad as well for a sit-down style  
 1607 restaurant. Presumably that, and if this was ordinance that we drafted, would  
 1608 also be allowed to be open similar to Shari's. And then if the other shops,  
 1609 tiny shops included, were restaurants, I suppose they could be open just like  
 1610 McMenamins or the other bars.

1611 **BELOV:** I'm not sure it's going to be addressing our concern for safety,  
 1612 public safety, is like a whole huge portion of the development is allowed to

1613 be open, and the police still need to monitor and to patrol it, if our whole  
1614 goal is public safety.

1615 **SCOTT:** And that's a great point. I mean, it's something we have already,  
1616 right? The other shopping centers in town have restaurants in them where the  
1617 main big anchor tenant closes and those bars and restaurants are open well  
1618 past the time that those anchor tenants are closed.

1619 **BELOV:** But with our current budget, our current staffing, and the police  
1620 department, we're looking at what works now. We don't know if our budget is  
1621 going to increase. So I think we need to work with what we have now.

1622 **SCOTT:** So you would want then restaurants and bars and everything to not be  
1623 able to be open past the same time limit that we're talking about setting.

1624 **BELOV:** I guess that's why I was leaning towards the footage rather than the  
1625 type because I think it gets really tricky, and there's so many exceptions.

1626 **COOKE:** I would say I agree, but at the same time, I think sometimes when  
1627 we're trying to - again, we're trying to draft something for the voters,  
1628 trying to draft legislation. At some point, we're going to have to be able to  
1629 go with a good. We're not necessarily going to be able to get to every single  
1630 aspect that we would like to make sure we cover, but I think we're going to  
1631 have to take, especially even the time line, the good and go with it.

1632 **SCOTT:** Yeah, and to further that point, if the prohibition prohibited the  
1633 anchor tenant from being open all through the night, also the likelihood,  
1634 just looking around at any strip mall-type of establishment, the smaller  
1635 substores being open all night is almost unheard of in most places. Does it  
1636 ever happen? Probably. But it's very, very unlikely. But the bulk of your  
1637 traffic in that development is going to be the anchor tenant. So if there's a  
1638 couple of restaurants or bars in there that are open, is that really - I  
1639 mean, have we eliminated 80% of the concern already, right?

1640 **MEYER:** So would it - Oh, I'm sorry, Larry. Go ahead.

1641 **O'KEEFE:** Just to add to that, and I'm thinking about the shopping centers in  
1642 Sherwood that are open right now, the McMenemy's over at Albertson's.  
1643 Albertson's closes, McMenemy's stays open. The dry cleaners close, the  
1644 dentist place close, the tae kwon do place closes, the liquor store over on  
1645 Safari Sam's there - Safari Sam's closed. I think, what it is, McKenzie Pub  
1646 stays open, Shari's stays open. So it's all a part of if the anchor place  
1647 closes, the customer base won't be there for them to stay open.

1648 **COOKE:** It does dramatically reduce the traffic base.

1649 **MEYER:** So it sounds like we're in agreement that the type that we're talking  
1650 about in this instance is for the retail sale of goods and services. Am I  
1651 hearing that correctly? Okay. So we have agreement generally? Yes? Yes!

1652 **SCOTT:** Yeah, so that brings into the gas station/convenience store question  
1653 though. That was another one on the list. Because a convenience at a gas  
1654 station would be selling retail goods.

1655 **O'KEEFE:** As long as it's a convenience store that's attached to a gas  
1656 station. Weren't you guys saying that?

1657 **SCOTT:** (Indecipherable) where we can get.

1658 **JACOBS:** I think what may make the most sense is if you let us go back and  
1659 draft something for you. And what I'm thinking just off the top of my head is  
1660 a lot of ways you distinguish this is between the percentage of sales of  
1661 what's going on. So if a gas station - their primary business is selling gas,  
1662 and the percentage of sales is going to be mostly gas, and the retail aspect  
1663 is a secondary aspect of this.

1664 **SCOTT:** A primary purpose.

1665 **MEYER:** It's an ancillary use.

1666 **JACOBS:** Exactly. Whereas if you've got...

1667 **SCOTT:** That could cover the movie theater, too, potentially.

1668 **JACOBS:** ...a large business that has a little restaurant attached to it. It's  
1669 a large retail business that has a snack bar. They're not going to fit within  
1670 the restaurant exception because that's not the overall percentage of their  
1671 sales.

1672 COOKE: Well, and that would also - like a Walgreens, the pharmacy - a 24-  
1673 hour pharmacy is going to have a much bigger impact on their sales than on a  
1674 larger footprint retail space.

1675 MEYER: Absolutely. So I feel like, for the sake of progress, we've come to a  
1676 general agreement that we are looking at specifically, in terms of type, for  
1677 the retail sale of goods and services. And Chad will, of course, draft  
1678 language based on the discussion that we just had. Now that we have a type,  
1679 let's talk hours.

1680 SCOTT: Do we talk about any exceptions to that type that should not be  
1681 prohibited?

1682 MEYER: Chad, based on our discussion, do you feel like you have a good idea?

1683 SCOTT: The pharmacy's been discussed, and so, I'm curious. Are we all in  
1684 agreement we'd like to not apply this prohibition to pharmacy? Yes?

1685 COOKE: I'd like to suggest that we use the Camden law for a basis for the  
1686 purposes of residents health and safety. That would cover gasoline,  
1687 prescription/nonprescription medications, and drug stores, and pharmacies -  
1688 and you said you could draft something regarding percentages if everyone  
1689 agrees to them?

1690 O'KEEFE: I would agree, and I would think that you have enough to work on to  
1691 come up with a draft, and we can work on changing little stuff later and  
1692 maybe go to move on to hours.

1693 MEYER: Great.

1694 SCOTT: What about the movie theater?

1695 MEYER: Well, that's - again, they're retail sales are an ancillary use to  
1696 their...

1697 SCOTT: But it's good and services. They're selling tickets. It's a service.

1698 SCOTT: Can we all agree that we want to exclude it and let Chad figure out  
1699 (indecipherable).

1700 SCHOENING: We could exclude theater, because I was thinking of the new  
1701 community center for instance. We could exclude theater. Is there anyone that  
1702 have a problem with excluding the theater?

1703 BRUTON: Would ice skating rink fall into that or other potential recreation  
1704 (indecipherable).

1705 SCHOENING: No. And I don't think they're open past the hours that we're  
1706 going to talk about. Let's get to the hours and figure that out.

1707 JACOBS: So can I just clarify because I heard Beth earlier say, "Personal  
1708 services and retail," but then the conversation totally switched to retail.  
1709 So I thought you were just focused on retail. Are you including personal  
1710 services as well now or is it strictly just retail?

1711 COOKE: I guess I'd like to see personal services. Those types of businesses  
1712 also are not normally open 24 hours unless they're - if you go 82<sup>nd</sup> in  
1713 Portland is what I'm thinking of.

1714 O'KEEFE: I'd like to get my hair cut in the middle of the night.

1715 COOKE: There are boutiques that cater in there because retail/personal  
1716 service. I'd like to protect against that.

1717 MEYER: Yeah. And I think along those lines, I mean, with any exemption,  
1718 there would certainly be an opportunity, I would think, and Chad please chime  
1719 in here, but I would think there would be an opportunity for a request for  
1720 review of...

1721 JACOBS: A request for review?

1722 MEYER: Of applications coming in. I don't know.

1723 COOKE: So under the Camden, it defines personal services involved with the  
1724 care of person of his or her goods or apparel including but not limited  
1725 laundering, shoe repair, hair and body care, tailoring, travel agents, spas,  
1726 tanning salons, and nutrition weight loss centers.

1727 MEYER: That seems reasonable.

1728 SCOTT: I think it's a nonissue, but I think including it in the prohibition  
1729 is fine.

1730 O'KEEFE: I do too.

1731 MEYER: Okay. Well, for these purposes, let's then include personal services.

1732 O'KEEFE: Okay.

1733 MEYER: Let's move on to hours. Well, I'll start. Beth threw out hours. I'm

1734 going to throw them back out. 6:00 a.m. to 1:00 a.m.

1735 SCOTT: I think 6:00 a.m. is not early enough. I think it needs to be 5:00.

1736 MEYER: For personal goods.

1737 SCOTT: Yeah.

1738 MEYER: Okay. I'm just asking.

1739 SCOTT: Sorry, Nancy. You were going to speak?

1740 BRUTON: Oh, no. I'm good.

1741 BELOV: I think the hours are - so it would closed 1:00-6:00? That's fine.

1742 MEYER: So, yeah.

1743 O'KEEFE: I would tend to agree with Doug. I think 5:00 with the vast - as I

1744 understand it, there's like 80-85% of the Sherwood residents commute. I would

1745 think 1:00 a.m. to 5:00 as a closure time would be plenty.

1746 SCOTT: A lot of people like to get coffee in the morning. We have several

1747 coffee stands, coffee shops. My wife, when she was working, worked early. She

1748 left the home at 5:00. She would get coffee every day. It's anecdotal, but I

1749 know she's not the only one. There's a lot of people that start work at 6:00

1750 or 7:00 and have a long commute, and 6:00 a.m. just does not seem early

1751 enough for me. I think 5:00 a.m. works, and I think most of your problems

1752 hours are going to fall before 4:00 a.m. anyways. So I still think there's

1753 gap there that - accomplishing the goal without overly penalizing businesses

1754 or people in town who want to get their donuts in the morning or their

1755 coffee.

1756 COOKE: Given that we're excluding restaurants and retail food establishments

1757 from this, I think 6:00 a.m. to 1:00 a.m. is where I feel comfortable.

1758 BRUTON: Yeah, I was just going to say that I feel like coffee shops and

1759 bakeries should fall within the category of restaurants.

1760 MEYER: Yeah, I would tend to agree with Beth and Naomi on - I think 6:00

1761 a.m. to 1:00 a.m. is reasonable.

1762 O'KEEFE: So I'm trying to think here because I guess I was mistaken. The

1763 coffee shop, the gas station, a convenience store, those are all exempt. So

1764 is there anything that you guys think needs to be open at 5:00 other than

1765 maybe a bakery?

1766 SCOTT: But that would be potentially a restaurant again.

1767 BELOV: I think it would help keep noise down, too, for residents that live

1768 right there.

1769 MEYER: And that's what I was thinking, too.

1770 BRUTON: I think that it is fair to open a grocery store at 5:00 a.m. It's

1771 not uncommon in other areas. I can tell you that I stop at the grocery store

1772 in my neighborhood at 5:00 a.m. pretty often, and there's a lot of people who

1773 head to work - with 85% of your commuters leaving Sherwood, a lot of them are

1774 having to drive a ways and may need to buy their services. We would rather

1775 them by local and where they're going.

1776 COOKE: Again, I'm very concerned again - I commuted from near McMinnville to

1777 Portland for five years, and I've commuted, since living here, I've been

1778 commuting. Again, I'm concerned about the impact on neighboring homes to

1779 developments that - as much as I would love to be able to pick up the goods

1780 that I need for my event that I might be headed to, and believe me, I have

1781 time and time again stopped in King City because that was open - there wasn't

1782 anything else open before I got to that point. I would be concerned about the

1783 impact on residents nearby if we extend to 5:00 a.m. instead of 6:00 a.m. And

1784 we have an established business here that's currently open at that hour, so I

1785 think that's a good threshold to start with.

1786 MEYER: Rachel, any thoughts on this? You can say no.

1787 SCHOENING: I mean, I don't like limiting hours of businesses at all. That

1788 being said, Home Depot is open at 6:00 a.m. We already have businesses that

1789 are - it seems as though, I don't know what time every business opens in

1790 town, every retail operation. I don't know if any of you do, but I don't. It

1791 seems as though the consensus is that majority of them open at 6:00 a.m. I  
1792 have a problem limiting hours at all for business, but I'm not the consensus.  
1793 MEYER: Yeah.  
1794 SCOTT: Should we - show of hands between 5:00 and 6:00?  
1795 MEYER: Yeah.  
1796 SCOTT: I don't think there's any other alternative. Those are the only two  
1797 I've heard discussed.  
1798 MEYER: That we've thrown out at least.  
1799 O'KEEFE: I would change mine to 6:00. I'm okay with that. The way  
1800 everything's written, if there was some sort of business that we're  
1801 forgetting, they could apply for an extension.  
1802 SCOTT: Let me clarify that. I believe we've taken the application process off  
1803 the table because we're going down the prohibition route.  
1804 MEYER: Yes. Yes. And I'm sorry if I confused you.  
1805 COOKE: But I believe we were going to keep a conditional use for holidays.  
1806 SCOTT: Like a temporary use.  
1807 COOKE: Right. For holiday hours and those types of things.  
1808 BRUTON: My preference would be 5:00.  
1809 MEYER: Okay.  
1810 SCOTT: Mine would also still be 5:00.  
1811 MEYER: I'm sticking with 6:00  
1812 COOKE: 6:00  
1813 SCHOENING: 5:00  
1814 BELOV: 6:00  
1815 SCOTT: I think that's three for each.  
1816 MEYER: That's four. There's seven of us.  
1817 Female: Larry hasn't voted.  
1818 O'KEEFE: I haven't voted yet.  
1819 MEYER: Oh, I thought you said - I'm sorry.  
1820 O'KEEFE: I was thinking - I didn't realize so many people were in the 5:00.  
1821 You know, it is not uncommon for me to stand out at Safeway waiting for them  
1822 to open at 6:00. I would go 5:00 - 1:00 in the morning to 5:00 for close.  
1823 SCOTT: Let's just stick with one time (indecipherable).  
1824 O'KEEFE: Sorry. 5:00 a.m. We already discussed 1:00, right?  
1825 SCOTT: No, we haven't.  
1826 MEYER: Okay, so for this - so Chad can start drafting language. Let's throw  
1827 5:00 a.m. in for now, and we can revisit when we have the draft language. And  
1828 that way we can all sit on this, think about this, and at the time that we  
1829 have the draft language in front of us, we could potentially make a  
1830 modification. I mean, for heaven's sake, we can split in the middle and call  
1831 it 5:30 for now.  
1832 BELOV: We can also invite residents in who live near there and say, "How do  
1833 you feel?" "Would it make a difference to you?"  
1834 MEYER: Yeah. At the next meeting or at one of our next meetings, when we're  
1835 looking at this draft language, we will again have an opportunity for public  
1836 comment. And it would be for anyone that's listening to this or here.  
1837 Encourage folks to tell us what's important, please. Because this is the  
1838 language that we'll be recommending to council which will potentially be  
1839 voted on. So these are the things that, again, we are focusing on for the  
1840 City of Sherwood. So in an effort to just move forward, let's say 5:30. Let's  
1841 split the difference.  
1842 O'KEEFE: One more thing. Sorry. If you're using the Camden draft, wouldn't  
1843 that 200 feet within a residential...  
1844 SCOTT: I believe we are not considering any area of limitation at all. This  
1845 is (indecipherable) at this point.  
1846 MEYER: Yeah. Okay. And what about closing hours? I feel like 1:00 a.m. is  
1847 really reasonable for retail goods and services.  
1848 BRUTON: And I wanted to throw out that I think that 2:00 would be more  
1849 likely when you consider that you have a lot of service industry workers and  
1850 those on swing shifts that get off around 2:00. And so that would be when

1851 that late-night need would be needed if those doors were to want to be open  
1852 to that time.

1853 **MEYER:** Like what?

1854 **BRUTON:** Like if you need diapers at the end of the night, or if you get off  
1855 your shift as a nurse or if you work in the service industry at McMenamins or  
1856 McKenzie's and getting off and grabbing food for the next day. So that's my  
1857 preference would be a little bit later.

1858 **MEYER:** Okay.

1859 **COOKE:** I would not - I mean, 1:00 seems very reasonable, and I mean,  
1860 frankly, as a mom of three kids who has worked full time, I've actually not  
1861 had to do - I mean, I've gone at 10:00, granted, to the grocery store. And  
1862 I've worked swing - I've gotten off 11:00/12:00 myself, and I still think we  
1863 can't manage the livability for a very, very, very small need and have the  
1864 larger impact on residents be as great as it would be to have that business  
1865 open year round.

1866 **BELOV:** Exactly. Just the cars, the traffic, the noise. There are a lot of  
1867 people that live within 1,000 feet - I mean 100s, maybe 1,000s. So we need to  
1868 think of all of them. I've gone door to door and spoken with these people, so  
1869 I know what their concerns are, and noise is huge.

1870 **MEYER:** I've known you long enough, Larry, in this last week to know you've  
1871 got something to say.

1872 **O'KEEFE:** I'm thinking for me 1:00 is perfectly fine because it coincides  
1873 with end of alcohol sales. And the more common thing - I think that's just a  
1874 reasonable hour.

1875 **MEYER:** I agree with you.

1876 **COOKE:** Can I also point out that you were talking about leaving gas stations  
1877 open and some of the convenience marts that are adjacent - they sell milk,  
1878 they sell diapers. So those desperate need items will still be available.  
1879 We're talking about keeping pharmacies open. We're not shutting out those  
1880 personal health and safety needs. But when it's a convenience to a consumer  
1881 to say, "You know, I'm going to do all of my grocery shopping at 2:00 in the  
1882 morning," I'm going to ask that we consider the residents needs as well.

1883 **SCOTT:** This may shock some people, but I actually came in here thinking  
1884 midnight. So apparently I'm at the opposite end of the spectrum on this one  
1885 than most people.

1886 **MEYER:** Actually, to be honest, I was at midnight myself, but 1:00 a.m. is  
1887 reasonable.

1888 **SCOTT:** But having heard the testimony here, 1:00 a.m. seems reasonable to me.

1889 **BRUTON:** I think, yes, with difference, 1:00 a.m. would be good for draft  
1890 language.

1891 **MEYER:** Great. Two agreed upon points. This is great. Now where do we want to  
1892 go from here?

1893 **O'KEEFE:** Are we done with the minutes?

1894 **SCOTT:** We're done with the hours, aren't we?

1895 **MEYER:** We're done with the hours.

1896 **SCOTT:** We're done with the hours. We have something. All right. That means we  
1897 don't have to meet Monday. Sorry.

1898 **COOKE:** Do you need any additional information from us to start the  
1899 ordinance, Chad?

1900 **JACOBS:** No. I think we can put something together for you based on this.

1901 **MEYER:** So that's fantastic. Thank you, all of us, for reasonable  
1902 conversation. We're not always going to agree, and we're not always going to  
1903 have consensus, and I think that that's good, and I think that that's fair,  
1904 and I think that that's necessary to come up with some recommendations  
1905 because ultimately, again, we are not a decision making body. So, Tom,  
1906 before he left the meeting, asked me to take a few moments to talk with the  
1907 committee specifically on the work that Chad's office is doing now and to  
1908 provide some specific direction in terms of priority in terms of ordinances  
1909 and deadline for information from your office so that we can really  
1910 successfully review language that can be submitted to council. So we have



four ordinances on the table at this point. One is regarding hours. One is regarding - we'll just call them parking issues related to RVs, motor homes, otherwise. The other is hazardous materials, and I actually just misspoke because pesticides is off our table. So hazardous materials is the other.

**SCOTT:** There's actually two. Camping and dilapidated vehicles are separate.

**MEYER:** Oh, so - okay. Oh, because - you're right. We're going to amend the nuisance.

**BELOV:** Separate. So there's five, right?

**SCOTT:** It's be employee rights, employee benefits.

**MEYER:** Oh, thank you.

**SCOTT:** And that, we actually - obviously, until we have that executive session, we can't really proceed much on that.

**MEYER:** We're waiting for more. Okay so because we don't have the information on that, let's just quickly talk about priority work for Chad's office. If I were to put these issues in order, the hours would be number one for me. Parking issues would probably be second, and I hate putting hazardous materials third because it is rather important, but in this regard, third. And dilapidated vehicles - again, I think that will be pretty quick for your office given this is a modification to nuisance. So that would be fourth for me.

**SCOTT:** I would put camping first; dilapidated vehicles, second; hours, third; and hazardous materials, fourth.

**BELOV:** So I'm sorry. I'm confused. Why are the employee rights not part of your list?

**MEYER:** It's not that it's not important, but we don't have - Oh, I see. That's a good point because right now we're still waiting on information is why I didn't include it on my list. Am I not thinking this through?

**O'KEEFE:** I would agree with you. I don't think it's definitely been decided that we can actually do something with that.

**SCOTT:** I guess I'd ask, what is the question exactly that Tom is looking for?

**MEYER:** The question that Tom is hoping that we - the question is, "Provide some clear direction to Chad's office of our priority work, priority ordinance language," so that they know a deadline that we're working toward. So we know, for example, by next Thursday, we want information from Chad's office - or by Monday, excuse me, we want information from Chad's office.

**JACOBS:** So I didn't really talk to Tom about this in much detail. He just mentioned it to me quickly, but I think the point is is that if we only have a certain amount of time, and there's always issues with drafting, as you've seen tonight, going back and forth about what you're going to do and not do. And when we come back, we may say, "Okay, here's a first draft, but here are some other things that you need to decide," and you only have a limited amount of time. So if we're going to look at the resources that you have including our office, what is the priority that you want to focus on in case something has to fall off the table. I'm not saying that something will, and it's my intent at least to get you three, if not four, of these ordinances next week to begin to look at. But it doesn't mean that they're going to eventually get to a forum that's going to be finalized for the council. So I think what Tom's hoping is that you guys as a group can say, if something has to fall off this list, this is the order we want you to work on. So if something happens and I run out of time, I'm going to make sure that I get you, you know, the hours ordinance first. That's the one I'm going to complete first before I move on to the dilapidated vehicles, or whatever the case might be. I think that was the direction Tom was hoping that you can provide us so we know where to focus our energies.

**BELOV:** Those letters to the council are all about - the heading of it was the living wage. So I think that really needs to be our priority.

**MEYER:** The wage issue has been entirely taken off the table.

**BELOV:** Yeah, but I think we need to prioritize it. Like whether it's the scheduling aspect of it or...

1971 SCOTT: Yeah. I think the terminology is the issue.

1972 MEYER: Right. Right. I see.

1973 COOKE: I think employee benefits - that would be the key even though we

1974 don't have - we're just setting a priority list knowing we are still waiting

1975 for materials.

1976 JACOBS: So on Thursday, you'll have information about that within executive

1977 session, and then you can determine at that point in time, I think...

1978 SCOTT: We can reprioritize.

1979 JACOBS: Reprioritize based on what you can and can't do, and I haven't been

1980 a part of that research or those discussions, so I really can't tell you what

1981 you're going to be able to do. But in the meantime, what I'm going to focus

1982 on and maybe get some other people in our office to focus on are these four

1983 ordinances. And if we're going to be able to pull our resources and get them

1984 all done, which I'm hopeful we can at least get a first draft to you, then

1985 maybe this is sort of a moot conversation. But worse-case scenario, I think

1986 getting some guidance from you as a group about saying, "Here's what these

1987 four - what our priority list is," would be helpful.

1988 COOKE: Okay. I think next on my list would be the 24 hour because, again, I

1989 think it impacts the livability so much. Definitely, then the camping would

1990 be my third because, again, that's something that - again, police services -

1991 we know they would need to be monitoring that more closely.

1992 SCOTT: What was your first?

1993 COOKE: So employee benefits would be number one...

1994 SCOTT: So we are putting that on the list.

1995 COOKE: ...and then 24 hour and then the camping ban. Those would probably be,

1996 in that order, my top three.

1997 MAYOR: Can I make a quick comment? On the dismantled vehicle one, we need

1998 to talk to the police department because there is State ORS that deals with

1999 junk vehicles on property. So you can have it as a priority, but I think we

2000 could talk to the city manager about having the police chief write the

2001 ordinance or develop the ordinance.

2002 MEYER: Okay. Thanks, Mayor Middleton. Oh, yeah. For those of you that

2003 couldn't hear Mayor Middleton, he suggested that an ordinance related to

2004 dilapidated vehicles could potentially be drafted by the police chief. So if

2005 we so choose, as a committee, to put that lower on our list, that could

2006 absolutely still be a consideration for the police.

2007 BRUTON: Appreciate that. Thank you. Just a point of clarification. Employee

2008 benefits is already being looked at, but we don't need to prioritize it on

2009 this list. Correct?

2010 MEYER: I think that we do, and that was my mistake.

2011 BRUTON: Okay.

2012 MEYER: So we do have five issues under consideration. And so I feel like

2013 perhaps I will - and my apologies.

2014 SCOTT: Could I make a quick...

2015 MEYER: Yeah.

2016 SCOTT: ... a quick recommendation, maybe. Given what we just heard from Mayor

2017 Middleton and kind of dovetailing that in with the conversation we had

2018 earlier about the noise ordinance, and that there's some existing body of law

2019 around both of those issues already, whether it's state or local or a

2020 combination of both, that maybe we should - instead of trying to draft a

2021 dilapidated vehicle ordinance for the voters to vote on in November, maybe

2022 that should just become part of our packet of recommendations to the council

2023 to pursue later.

2024 BELOV: I would agree. That's a great idea.

2025 COOKE: I would agree.

2026 MEYER: Rachel.

2027 SCHOENING: I would like to apologize for Chad for wasting your time working

2028 on the ordinance that we asked you to work on.

2029 SCOTT: I don't think it'd a waste.

2030 SCHOENING: He's already done it.

2031 SCOTT: Because it could still be...

2032 SCHOENING: He's already done it.

2033 JACOBS: It's more than fine with me. Trust me.

2034 FEMALE: We'll still take what you worked on.

2035 O'KEEFE: So I think - I just want to give you my - now that these employee

2036 benefits are back on our priority list - for back of a better word, I'm just

2037 calling them employee benefits.

2038 MEYER: Sure.

2039 O'KEEFE: All right. That would be my first priority. 2) Hours of closure. 3)

2040 Parking issues. The dilapidated vehicles just got crossed off, and as much as

2041 - and, again, I speak as a resident, not anybody who works for a particular

2042 emergency agency, I think our focus on hazardous materials was the ability

2043 for cities to have a rapid response, and there is a local fire department or

2044 fire district that I know that has a hazardous materials response team, and

2045 that's what they do, and they're trained in that. And they're not just in our

2046 area, but they're statewide, and they're inner agencies through Portland and

2047 other -

2048 MEYER: So that's lower on your list?

2049 O'KEEFE: It's definitely last on my list because I know that any emergency

2050 responding team is going to respond in a timely manner and make sure things

2051 get done quickly.

2052 MEYER: Okay. Let's just go around the table. I have your numbers. So Naomi,

2053 let's go with...

2054 BELOV: I would agree with everything Larry just said except - so we're sure

2055 that pesticides are completely out of the debate.

2056 MEYER: There's a preemption regarding pesticides. Nancy?

2057 BRUTON: I'm going to need to take a pass for a second.

2058 MEYER: Okay. No worries. Doug, can you just...

2059 SCOTT: Yeah. And I'll qualify this just because I want to. I'd still say

2060 camping for me is number one. I'd put hours of operation, number two. I'm

2061 going to move hazardous down the list more because I also think it's an area

2062 that's already well covered by state and federal regulation, and I'm not sure

2063 that we're actually adding a ton of benefit in that area. And so then I guess

2064 third, but default then would be the employee benefits. And it's not that I

2065 think those things are less important than camping and hours of operations.

2066 It's that I think that it's an extremely complicated body of law, federal,

2067 state, and I think trying to address that in two weeks on this committee at

2068 the local level is untenable, and that's just my personal opinion.

2069 MEYER: Okay. My vote would be employee benefits, number one; hours, two;

2070 parking, three; and hazardous materials and dilapidated vehicles as four and

2071 five in that order. Beth?

2072 COOKE: The employee benefits, number one; 24 hour, number two; camping and

2073 parking, number three.

2074 SCHOENING: I'm going to be difficult. It's the theme of the evening for me.

2075 I would prefer not to put any in order until we hear back regarding what can

2076 be done after the ERISA conversation.

2077 MEYER: Okay. Well, given that we have a majority in favor of just - we do,

2078 but...

2079 BRUTON: Yeah, sorry. I was needing to think based on the hazardous materials

2080 conversation. My order would be 1) Camping, 2) Hazardous materials, but I

2081 will qualify that with the fact that I personally do not think that we're in

2082 the position right now where we should be looking at hours of operation for

2083 these businesses, and then 4) Employee benefits because I think that any

2084 conversation that would include BOLI would take a lot longer than we should

2085 be getting ourselves right now.

2086 MEYER: So what's three?

2087 BRUTON: Yes. It was 1) Camping, 2) Hazardous materials, 3) Hours of

2088 operation, 4) Employee benefits.

2089 MEYER: Okay. So, Chad, you got all that. I think employee benefits, hours,

2090 and the parking issues are our top three priorities.

2091 JACOBS: Okay.

2092 MEYER: So, Okay. Do you need anything else from us this evening?

2093 JACOBS: No. So just to clarify, dilapidated vehicles is taken off, and it's

2094 just going to be a recommendation to the council for future work. So we are

2095 really focused on drafting you three ordinances: Hour, overnight

2096 camping/parking, and hazardous materials, and then we will have the employee

2097 benefits conversation on Thursday, and depending on the results of that,

2098 maybe drop the additional ordinances from there.

2099 SCOTT: Can I just touch base on the dilapidated vehicles? Whatever work has

2100 already been done, I think we'd like to see if possible.

2101 JACOBS: It's minimal. I have basically just looked at a couple other

2102 jurisdictions and pulled their nuisance codes with dilapidated vehicles.

2103 SCOTT: And that could be preserved and forwarded to the council as well?

2104 JACOBS: Yes.

2105 COOKE: And Larry had also mentioned, regarding hazardous materials, that it

2106 may also be a recommendation or we have -

2107 O'KEEFE: I would recommend to you guys that we make a recommendation to the

2108 city council to look into that. And it doesn't necessarily have to be an

2109 ordinance that we need drafted.

2110 SCHOENING: It wasn't my understanding that we - I think we understand the

2111 ordinance that we sent differently because I don't think it was about

2112 response. I think it was about communication of and use of and storage of

2113 which I also think has to do with employee and worker rights. So I thought

2114 that it was less about getting someone to respond to the mess but not having

2115 one in the first place. And if there was known activity that might not have

2116 resulted in an emergency, it would give the city an opportunity to act.

2117 That's what I thought we were talking about.

2118 JACOBS: It was my understanding, just what's been reported to me, is that

2119 you guys want to use the Eugene ordinance as a basis.

2120 MEYER: Correct.

2121 JACOBS: And that's what we were going to do and just update that and make

2122 sure that it was legally sound at this point.

2123 MEYER: That was the direction that we did tell your office.

2124 SCHOENING: So I guess I'm saying I would not like to scrap it yet.

2125 MEYER: I would not either. And just based on extensive conversation that we

2126 had, I feel like it's important that we do have that language back.

2127 BRUTON: And not having been here on Friday, I wasn't sure what - if it was a

2128 response. And I do agree that we have resources in place state wide. But if

2129 it's something regarding storage, then - yeah.

2130 BELOV: I have a question regarding upcoming meeting because I know that a

2131 lot of us have things that will conflict. So can we call in and then vote?

2132 MEYER: That's a question for Chad.

2133 JACOBS: Yes. You can participate in a meeting by telephone or video

2134 conference, whatever the case might be. You just can't have a proxy vote.

2135 BRUTON: May I add, I actually asked that question prior to this group

2136 joining together, and I was told that that was not the case from city staff.

2137 MEYER: Which part?

2138 BRUTON: That you could conference in.

2139 MEYER: Oh.

2140 COOKE: Well, and we were going to try to do that on Friday, and I wasn't

2141 able to do that.

2142 MURPHY: It's not a matter that legally that we cannot, it's the matter of

2143 the equipment that we have allowing that. So basically, how our system works

2144 is we have to call you, you cannot call in, and the number of phone numbers

2145 that we can call out to, I believe, is restricted. I don't know how many we

2146 can call out to. If that is one party, I know we can do one. Two or three,

2147 I've never used the system and called out to more than just one. So that is a

2148 limitation of the equipment. It's something that our IT department can

2149 certainly look into.

2150 **MEYER:** Okay. Great. Would anyone - I feel like we're at a place where we can  
 2151 make some closing comments. So, Rachel, would you like to reserve your right  
 2152 to hold off for a minute?  
 2153 **SCHOENING:** I'm all good.  
 2154 **MEYER:** You're good? Beth? Anyone?  
 2155 **COOKE:** I'm good. I do want to say really quickly though I appreciate the  
 2156 nature of the conversation and how polite everyone has been even though we've  
 2157 had some pretty different positions on things. That's always good to see.  
 2158 **SCOTT:** I'll be brief tonight. It was good progress, good session, so I'm  
 2159 thankful to the rest of the committee for our conversation. I just want to  
 2160 also really thank Sylvia. She's been putting in a ton of time, not only on  
 2161 this committee but in the rest of her works for the city. So I appreciate all  
 2162 the time you've been extra putting in for us. Thank you - and Chad and the  
 2163 legal team as well.  
 2164 **BRUTON:** Yeah, I would echo that. I really appreciate all the work and public  
 2165 service that people are putting in, and I hope that if there are people who  
 2166 are watching that they do take the opportunity to come in for public comment.  
 2167 **O'KEEFE:** I would agree. Thank you, everybody. I mean, it has been really -  
 2168 the last couple of meeting, I've went home thinking that gosh, we're not  
 2169 going to get anywhere. And it is really satisfying to get a couple of these  
 2170 things knocked out tonight. I would also thank the audience for their  
 2171 comments and encourage you guys to talk to your friends and neighbors and get  
 2172 them down here for these last few meetings and stuff, and I'd certainly be  
 2173 interested in their comments also. Make sure that we're hopefully going down  
 2174 the right road for you guys.  
 2175 **BELOV:** I would agree with that. I'd like to ask whether or not the email  
 2176 list to notify people has been made. I don't know. Sylvia, do you know about  
 2177 that? Is there a database being built?  
 2178 **MURPHY:** There is a contact list that has been created.  
 2179 **BELOV:** And they should contact you to get on it?  
 2180 **MURPHY:** Myself or Tom. Correct.  
 2181 **BELOV:** Okay. And what sort of information would they get? Just the dates of  
 2182 the upcoming meetings?  
 2183 **MURPHY:** It's agendas, dates of upcoming meetings. At this point, that's the  
 2184 information that's been going out.  
 2185 **BELOV:** Okay, great. And I think we're working great under pressure. So thank  
 2186 you.  
 2187 **MEYER:** So a couple of things I would like to address. Tony in his public  
 2188 comment asked a couple of questions, and I said that would do our best to  
 2189 answer your questions, so I'm going to take a stab, Tony. 1) What businesses  
 2190 are being pursued? I don't know, and that's all I can tell you. I don't know  
 2191 what businesses are being pursued. What I can tell you is that typically,  
 2192 there are confidentiality issues surrounding negotiations, and perhaps Nancy  
 2193 could talk a little bit about small business incentives and what's being done  
 2194 within Sherwood to attract new business.  
 2195 **BRUTON:** Well, sure. And the specific nature of the question, as I took it,  
 2196 was what is the chamber and the city doing and which types of businesses are  
 2197 they seeking to bring into Sherwood. I think the question was specific to  
 2198 larger retailers. I can tell you that the scope of the chamber work, and I'm  
 2199 not going to speak on behalf of the city, the scope of the chamber work  
 2200 currently has been looking at manufacturing, potential lodging, and really  
 2201 building our preexisting foundation of businesses so that they can have  
 2202 secondary storefronts and expansions and things of that nature. That has been  
 2203 the scope of work that our community affairs organization has been making a  
 2204 priority as a subcommittee of the chamber. And we're always interested in  
 2205 hearing more from our local citizens about more businesses that would be  
 2206 desired or that we could bring and potentially look at economic development  
 2207 and recruiting strategies for.  
 2208 **MEYER:** The second question that you asked was if the Wal-Mart building  
 2209 should close or their business should close, would they be required to

2210 restore the building to its original state? I hate having this answer on both  
2211 of your questions, but I don't know. Typically, again, when there is a  
2212 private agreement and contract made with the tenant or business, there are  
2213 provisions typically included in a lease agreement or a sales contract that  
2214 could potentially address these issues. I don't know. These would be  
2215 questions that you could certainly request of the city and/or to the actual  
2216 owner of that business.

2217 **SCOTT:** I actually meant to address this as well, so I'm sorry. Actually,  
2218 this is an example of an ordinance that I was actually really interested in  
2219 when I got onto this committee as well. Unfortunately, my read on the  
2220 situation, and it's not authoritative by any means, is that that typically  
2221 would fall under chapter 16 which is our land use and zoning. And it would  
2222 require that to be a condition of the approval of the site plan which has  
2223 already happened. And also because of the - that we were advised when these  
2224 set of meetings started that because of our time limitation we could not  
2225 address things in chapter 16 of the land use and zoning policy. So two things  
2226 would have to happen. The land use policy, I believe, would have to be  
2227 updated to allow for that kind of condition. And then any site plan going  
2228 forward would have to have that condition put on it. And maybe Beth can speak  
2229 to this as well.

2230 **COOKE:** Actually, Doug is correct is that that would had to have been a  
2231 condition, and it would have had to have been in place prior to any  
2232 application that was made. So it's unfortunate, but for any existing  
2233 businesses in Sherwood or those that are already have their applications  
2234 made, we would not be able to change the conditions. But we could potentially  
2235 - I don't think under this process because we've already agreed that we're  
2236 not going to look at chapter 16, but it's something that planning commission  
2237 could potentially look at during their code review process. That's  
2238 unfortunate. It has to be in place a little farther in advance. We can't make  
2239 a change now for existing businesses.

2240 **O'KEEFE:** That was the same problem we ran into with traffic. Correct?

2241 **MEYER:** Yes. Correct. Rachel, do you have anything else you would like to  
2242 add? Okay. Just wanted to make sure. Another - well, Nancy, you came up  
2243 tonight, and you talked a little bit about the Lloyd district and some  
2244 concerns that you've seen within that - as it pertains to 24-hour businesses  
2245 being open. And I wanted to say thank you for expressing your concerns, and I  
2246 hope that the work that we've been doing illustrates that we do care about  
2247 these issues. And in part, the reason for our drafting an ordinance related  
2248 to business operations hours is to really focus on our concern collectively  
2249 for public safety issues within Sherwood and, not addressing any of the  
2250 specific issues that you raised for Sherwood, but just general safety issues  
2251 and the impact that businesses have on our community and residents. So I hope  
2252 that that satisfies a response to you and your comments. You know, I feel  
2253 really privileged to have been afforded this opportunity to sit on this  
2254 committee. And someone at council last night made a comment that this isn't a  
2255 personal issue, but it is. And it's undeniably a personal issue for each and  
2256 every one of us in this room, with Chad maybe as an exception. But the reason  
2257 we sit here and the reason that we get together and the reason that we have  
2258 these conversations is because it's personal. We care. We care about this  
2259 community. We care about one another. We care about our current state and our  
2260 future state and what that means for all of us. So it should be personal. And  
2261 I think it's good that it's personal because Sherwood is not any other  
2262 community; it's our community, and we should take all of what we're doing  
2263 toward creating a better community personally and very seriously. And that's  
2264 why I'm sitting here because it matters to me. And I'm really happy to be  
2265 working with all of you whether we agree or disagree because I think that you  
2266 can't make things better if you don't talk about them. And you can't clearly  
2267 and professionally have these kinds of conversations. So, thank you all.  
2268 Meeting adjourned. I'm sorry. We're going to have to reconvene, and we're  
2269 only going to focus on meeting times. My apologies. I should have addressed

that before we closed. So as it sits, I believe that we are not going to be meeting on Monday the 22<sup>nd</sup>, and I would propose that we do meet on Wednesday and Thursday of next week to go over draft language. So I'd like thoughts and opinions on that.

COOKE: My schedule is open to whatever the committee's needs are.

MEYER: Okay.

BRUTON: I'll be there.

SCOTT: My wife will be disappointed that I'll miss the concert with her, but I'll be here.

O'KEEFE: I make a motion to have the meeting at the Concert on the Green.

MEYER: Motion denied. Naomi?

BELOV: I'll find a way to be here.

MEYER: Okay. So our next meeting, Sylvia, and we should probably ask you is this room available next Wednesday? Please don't say no.

MURPHY: I'm aware of one event that happens at 4:30. It should end by 6:00. So if you're 6:00 or 6:30 -

MEYER: I was thinking 6:30.

SCOTT: Yeah. Normal time.

MEYER: Yeah, normal - our typical -

O'KEEFE: Will it be an abbreviated meeting or (indecipherable).

MEYER: We'll do our best. What I'd like to ask is that we all really thoughtfully take a look at the materials that are distributed to us on Monday. Scratch it up, mark it up, make your comments, have your comments ready very specific to that draft language. I will do my very best to keep us focused on those topics. And so we'll go through the information as efficiently as we can. That's my hope.

BELOV: Will we receive the information via email on Monday?

MEYER: Yes. I think. Chad?

JACOBS: Yeah. Well provide it to Tom and Sylvia, and they'll distribute it to you. So I'm assuming it will be via email so you'll be able to get it.

BRUTON: And it will be available via email when? Just depending on when we receive it?

MEYER: Okay. So keep an eye on your emails Monday or early Tuesday.

JACOBS: You should have it Monday. I'm going to work this weekend to get it done for you, so it'll be done.

MURPHY: So we are cancelling Monday the 22<sup>nd</sup>?

MEYER: Yes.

MURPHY: We're going to have a new meeting on Wednesday the 24<sup>th</sup> at 6:30?

MEYER: Correct.

MURPHY: And we're going to continue with the meeting on Thursday the 25<sup>th</sup> at 6:30?

MEYER: Correct.

MURPHY: Thank you.

MEYER: Thank you. Meeting now adjourned.

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Meerta Meyer, Chair

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10-14-2013  
Date

Documents presented at the meeting:

Exhibit A - Land Uses